



# THE JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 131] Jammu, Thu., the 13th Dec., 2018/22nd Agra., 1940. [No. 37

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# **PART I-A**

## **Jammu & Kashmir Government—Orders**

HIGH COURT OF JAMMU AND KASHMIR AT SRINAGAR  
(Exercising powers of Bar Council under section 58 of the  
Advocates Act, 1961).

Notification

No. 471 Dated 04-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Ms. Sajida Batool D/o Mohammad Sadiq R/o Stikchey Choskore, Kargil, A/P H. No. 170, Sarwal Colony, Near Shivaji Park, Sarwal, Jammu has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-392/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 476 Dated 09-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Mr. Taufiq Yousf Rather S/o Mohamad Yousf Rather R/o Shumalaran, A/P Kakayban, Baramulla has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned



University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-408/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 506 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Ms. Shazia Kousar D/o Mohd Iqbal R/o Mangota, P. O. Mangota, Marmat, Doda has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-393/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 507 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Ms. Surabhi Sharma D/o Rajinder Sharma R/o 51/1, Trikuta Nagar, Sec-1, Jammu has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and



verification of her character and antecedents from CID. Her name has been entered under serial No. JK-394/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 508 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Ms. Sudesh Kumari D/o Bua Ditta R/o Sant Colony, Gagain, R. S. Pora, Jammu has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-395/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 509 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Ms. Surya Chandan D/o Jagdish Raj Chandan R/o H. No. 553, Rehari Chungi, Pacca Talab, Jammu has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned



University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-396/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 511 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Ms. Sagira Jaffar D/o Jaffar Anayatullah R/o H. No. 98, Mohalla Dalpatian, Jammu has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-397/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 512 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Ms. Sadaf Mushtaq D/o Mushtaq Ahmad Mir R/o Nigeeen Bagh, near Nigeeen Club, Hazratbal, Srinagar has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned



University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-399/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 513 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Ms. Shaista Aziz D/o Abdul Aziz Gojree R/o Drangbal, Taki Sultan, Baramulla has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-400/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 514 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Mr. Sajad Ahmad Khan S/o Gh. Mohd Khan R/o Awoora Khan Mohalla Payain, Kupwara has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and



verification of his character and antecedents from CID. His name has been entered under serial No. JK-403/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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No. 515 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Ms. Saba Yaseen D/o Late Mohd Yaseen Ganie R/o Hamdania, Colony, Sec-II, H. No. 927, Bemina, Srinagar has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-405/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 516 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Ms. Swiha Kangotra D/o Vijay Kangotra R/o H. No. 195, Ward No. 12, Tehsil Road, Akhnoor, Jammu has been admitted and enrolled as as Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents



from CID. Her name has been entered under serial No. JK-406/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 517 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Ms. Tehmeena Ayoob Bhat D/o Mohammad Ayoob Bhat R/o Gousia Colony, Azad Gunj, Baramulla has been admitted and enrolled as as Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-407/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 518 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Ms. Urfa Qadri D/o Muhammad Amin Qadri R/o Umer Abad, Sec-B, Peer Bhag, Chanpora, Srinagar, A/P Peerbugh, Umarabad, Sector-B, Home Lane Gali No. 5, H. No. G-53, Srinagar has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree



Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-409/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 519 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Ms. Uzma Amin D/o Mohammad Amin Mugloo R/o Mughal Mahal, Rainawari, Mughal Mahal, Srinagar has been admitted and enrolled as as Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-410/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 520 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Ms. Umarah Amin D/o Mohd Amin Bhat R/o Pantha Chowk, Srinagar has been admitted and enrolled as as Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of



her character and antecedents from CID. Her name has been entered under serial No. JK-411/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 521 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Mr. Vikrant Singh S/o Kartar Singh R/o Ward No. 02, Near GPS Kudera, Plahi, Kathua has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/I.L.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-412/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 522 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Ms. Vasudha Sharma D/o Ganesh Sharma R/o H. No. 20, Ward No. 11, Vijaypur, Samba has been admitted and enrolled as as Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/I.L.B Degree Certificate from concerned University and



verification of her character and antecedents from CID. Her name has been entered under serial No. JK-413/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 523 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Mr. Wani Nawaz Ul Haq S/o Bashir Ahmad Wani R/o Khairpora, Arin, Bandipora has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-414/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 524 Dated 10-07-2018.

It is hereby notified that vide High Court order dated 14-06-2018 Mr. Zeenat Amin S/o Mohammad Amin Bhat R/o Chandsooma, Kansipora Bilalabad Colony, Near Railway Station, Baramulla has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of



this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-415/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered theretofore.

(Sd.) MOHAMMAD YASIN BEIGH,

Joint Registrar (Admn.).

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Notification

No. 1206 Dated 19-11-2018.

In pursuance of Government of India, Ministry of Law and Justice (Department of Justice), New Delhi's Notification No. K.11017/12/2018-US-II dated 10th of November, 2018, Hon'ble Mr. Justice Rajesh Bindal, took oath of office as a Judge of the High Court of Jammu and Kashmir, On 19th of November, 2018, at 10.00 A. M.

(Sd.) SANJAY DHAR,

Registrar General.

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HIGH COURT OF JAMMU AND KASHMIR AT SRINAGAR.

Corrigendum

In Hon'ble High Court Notification No.1626 dated 05-03-2018 please read A/P Address Greater Kailash, L. No. 55-B, Jammu instead of A/P Address Greater Kailash, L. No. 55-B, Baramulla of Ms. Savneet Kour D/o Surender Singh admitted and enrolled as an Advocate under serial No. JK-127/2018 in the roll of Advocates maintained by this Registry.

(Sd.) S. JATINDER SINGH,

Assistant Registrar (L. P).

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GOVERNMENT OF JAMMU AND KASHMIR,  
CIVIL SECRETARIAT-HOME DEPARTMENT.

Subject :-Transfers and postings.

Reference :-SAC Decision No. 125/18/2018 dated 31-10-2018.

Government Order No. 1533-Home of 2018

Dated 31-10-2018.

In the interest of the administration, Shri. V. K. Singh, IPS (JK : 1987), Special Director General of Police (Headquarters) is hereby transferred and posted as Commandant General, Home Guards, Civil Defence and SDRF, J&K.

He shall also hold the additional charge of the post of Director, Fire and Emergency Services, J&K w. e. f. 01-01-2019.

By order of the Government of Jammu and Kashmir.

(Sd.) R. K. GOYAL, IAS,

Principal Secretary to Government,  
Home Department.

HIGH COURT OF JAMMU AND KASHMIR AT SRINAGAR  
(Exercising powers of Bar Council under section 58 of the  
Advocates Act, 1961).

Notification

No. 631 Dated 15-09-2018.

Provisional admission granted under Advocates Act, 1961 in favour of Mr. Asaf Iqbal S/o Mohd Azam R/o Village Daru Dullian, Havelli, Poonch vide Notification No. 41 dated 07-04-2016 for a period of one year has been extended till 07-04-2019 subject to the verification of his Certificates/LL.B Degrees from the concerned University and verification of his character and antecedents from the CID.



The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 743 Dated 19-09-2018.

Provisional admission granted under Advocates Act, 1961 in favour of Mr. Mandeep S/o Ram Singh R/o Ranjari, Tehsil Vijaypur, District Samba vide notification No. 1015 dated 20-02-2017 for a period of one year has been extended till 20-02-2019 after condonation of delay and subject to the verification of his Certificates/LL.B Degrees from the concerned University and verification of his character and antecedents from the CID.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

(Sd.) MOHAMMAD YASIN BEIGH,

Joint Registrar (Admn.).





**THE**

**JAMMU AND KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed as a  
separate compilation.

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**PART I-B**

**Jammu and Kashmir Government—Notifications.**

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JAMMU AND KASHMIR PUBLIC SERVICE COMMISSION,  
SOLINA, SRINAGAR 6190009.

Subject : Jammu and Kashmir Combined Competitive (Preliminary)  
Examination, 2018-declaration of result.

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Notification No. PSC/Exam/66/2018

Dated 27/09/2018.

On the basis of the result of the Jammu and Kashmir Combined  
Competitive (Preliminary) Examination, 2018 held on 16/09/2018, the  
candidates with the Roll Numbers, as per Annexure A to this notification,  
have qualified for the admission to the Jammu and Kashmir Combined  
Competitive (Main) Examination, 2018.



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The candidature of these candidates is provisional. In accordance with the Rules of the Examination, all these candidates have to apply again in the Detailed Application Form, DAF (CCE-M), for Jammu and Kashmir Combined Competitive (Main) Examination, 2018, which would be available on the website of the Jammu and Kashmir Public Service Commission [www.jkpsc.nic.in](http://www.jkpsc.nic.in). All the qualified candidates are advised to fill up the DAF (CCE-M) online and submit the same online for admission to the Jammu and Kashmir Combined Competitive (Main) Examination, 2018 to be held in February/March, 2019. The DAF (CCE-M) will be available on the website of the Commission from 06/06/2018 to 30/06/2018 till 12.00 midnight. Important instructions for filling up of the DAF (CCE-M) and for submitting the completely filled application form online to the Commission, would also be available on the website. The qualified candidates are further advised to refer to the J&K Combined Competitive Examinations Rules, 2018 notified vide SRO 103 dated the 23rd of February, 2018, which are available on the website of the Commission.

It may be noted that mere submission of application form DAF (CCE-M), either online or the printed copy thereof, does not, ipso facto, confer upon the candidates any right for admission to the Main Examination. The e-Admit card along with the time table of the main examination will be uploaded on the Commission's Website to the eligible candidates around 3 weeks before the commencement of the examination. Changes, if any, in the postal address or email address or mobile number after submission of the DAF (CCE-M) may be communicated to the Commission at once.

Candidates are also informed that marks cut off marks and answer keys of the J&K Combined Competitive (Preliminary) Examination, 2018 will be uploaded on the Commission websit i. e. [www.jkpsc.nic.in](http://www.jkpsc.nic.in) only after the entre process of J&K Combined Competitive (Mains) Examination, 2018 is over i. e. after the declaration of final result of J&K Combined Competitive (Mains) Examination, 2018.

Candidates may obtain any information/clarification regarding their result of the above mentioned examination on all working days between



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 10.00 AM to 5.00 PM, in person on Tel. No. 0194-2310625 or 9419720902.  
 Candidates can also obtain information regarding their result by accessing  
 Commission's website i. e. www.jkpsc.nic.in.

The result of Roll Number 9134872 has been withheld as the issue  
 regarding his candidature is sub-judice.

This is subject to the outcome of writ petition(s), if any, pending disposal  
 before Court(s) of Law.

(Sd.) KHALID MAJEED, KAS,

Controller of Examinations,  
 J&K Public Service Commission.

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*Annexure-A to Notification No. PSC/Exam/66/2018 dated 27-09-2018.*

S. No.	Roll No.	S. No.	Roll No.
1	2	1	2
01	9100033	11	9100484
02	9100093	12	9100528
03	9100130	13	9100540
04	9100148	14	9100545
05	9100162	15	9100606
06	9100195	16	9100644
07	9100214	17	9100694
08	9100289	18	9100700
09	9100290	19	9100726
10	9100344	20	9100760











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122	0103515	148	0104563
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124	9103529	149	9104591
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125	9103555	150	9104597
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126	9103582	151	9104621
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127	9103675	152	9104625
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120	5105199	100	51051001
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120	0102827	155	0104688
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131	9103889	156	9104702
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132	9103930	157	9104720
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133	9103963	158	9104753
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134                      9103999                      139                      9104765

136	9104023	161	9104786
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137                      9104028                      162                      9104790

158	9104005	105	9104810
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141	0104202	166	0104890
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142	9104382	167	9104883
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143	9104429	168	9104896
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144	9104461	169	9104914
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145	9104481	170	9104920
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822	9120454	847	9120730
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823	9120482	848	9120737
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824	9120488	849	9120746
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825	9120515	850	9120846
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826	9120517	851	9120867
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827	9120522	852	9120889
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828	9120526	853	9120899
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829	9120527	854	9120984
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830	9120562	855	9121008
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831	9120577	856	9121009
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832	9120596	857	9121028
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833	9120605	858	9121031
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834	9120627	859	9121032
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835	9120628	860	9121034
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836	9120640	861	9121038
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837	9120647	862	9121061
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838	9120648	863	9121080
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839	9120650	864	9121087
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840	9120651	865	9121093
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841	9120675	866	9121101
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842	9120682	867	9121104
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843	9120687	868	9121105
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844	9120710	869	9121115
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845	9120719	870	9121121
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846	9120723	871	9121123
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JAMMU AND KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed as a  
separate compilation.

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**PART II—A**

**Orders by Heads of Departments.**

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**CHARGE REPORTS**

In pursuance to the Government Order No. 1699-GAD of 2018 dated 01-12-2018, we the following officers have handed/taken over the charge of Commissioner, Jammu Municipal Corporation today on 10-12-2018 F. N.

(Sd.) ARVIND KOTWAL, KAS.

Relieved Officer.

(Sd.) PANKAJ MAGOTRA, KAS.

Relieving Officer.

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In pursuance to Government Order No. 152-FST of 2018 dated 20-04-2018 and Government Order No. 165-FST of 2018 dated 14-05-2018 respectively, we the undersigned do hereby hand over and take over the charge of Divisional Forest Office, Poonch Forest Division today on the 16th of May, 2018 F. N.

(Sd.) SOM DUTT KHAJURIA, SFS.

Relieved Officer.

(Sd.) MOHD HUSSAIN, SFS,

Relieving Officer.





## THE JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 131] Jammu, Thu., the 13th Dec., 2018/22nd Agra., 1940. [No. 37

Separate paging is given to this part in order that it may be filed as a  
separate compilation.

### PART II—B

#### Notifications, Notices and Orders by Heads of Departments.

ô ôô ô ô

OFFICE OF THE COLLECTOR, LAND ACQUISITION,  
ADDITIONAL DEPUTY COMMISSIONER, REASI.

#### Final Award

Officer Commanding 104 RCC GREF C/o 56 APO had requested vide indent No. 2035/RR/118/E-2LA dated 20-11-2009 for acquisition of land measuring 43 Kanals 11 Marlas bearing Khasra Nos. 380 (01K-9.5M), 381 (00K-03M), 390 (01K-19M), 391 (01K-18.5M), 392 (01K-03M), 394 (00K-10.5M), 395 (00K-17.5M), 396 (00K-17M), 397(00K-11.5M), 542 (00K-04M), 562 (03K-01M), 548 (00K-11M), 549 (01K-05M), 553 (00K-6.5M), 556 (02K-11M), 557 (04K-04M), 565 (00K-13.5M), 605/558 (04K-14.5M), 606/558 (01K-6.5M), 561 (08K-01M), 561 min (01K-6.5M), 561 (02K-17M), 564 (02K-17M), 547 (00K-03M), for public purpose viz. ôWidening of Reasi-Pouni



500 The J&K Govt. Gazette, 13th Dec., 2018/22nd Agra., 1940. [No. 37  
road from Km 0.00 to 25.260 at Village Saloonö Tehsil Pouni and  
District Reasi.

Accordingly, a notification under section 4 (1) of Land Acquisition Act, Svt. 1990 was issued by this Collectorate vide No. COL/LA/ADC/Rsi/15/494-498/NSQ dated 12-11-2015 and was served upon the land owners/interested persons who were asked to file objections, if any, within 15 days from the date of issuance of this notification. No objection in this regard was received.

Thereafter, Deputy Commissioner (District Collector), Reasi was requested vide this Collectorate No. COL/LA/ADC/Rsi/16/09-12/NSQ dated 07-04-2016 with the request that the matter may be referred to the Government for issuance of declaration under sections 6 & 7. The Commissioner Secretary to Government, Revenue Department, Jammu was requested vide Deputy Commissioner (District Collector), Reasi No. DC/Rsi/16-17/101-105/SQ dated 16-04-2016 for issuance of declaration under sections, 6 & 7 of the Land Acquisition Act. The Commissioner/Secretary to Government, Revenue Department, J&K issued notification under section 6 vide notification number 74-Rev(LAJ) of 2016 dated 31-08-2016 issued under endorsement number Rev/LAJ/62/2016-Saloon dated 31-08-2016 that the land is required for public purpose viz. Widening of Reasi-Pouni road from Km 0.00 to 25.260 at Village Saloonö, Tehsil Pouni and District Reasiö, and directed this Collectorate under section 7 of the said Act to take order for acquisition of land.

Thereafter, a notification under sections 9 & 9A of Land Acquisition Act was issued vide this Collectorate No. COL/LA/ADC/Rsi/16/220-224/NSQ dated 18-10-2016 and was served upon the land owners/interested persons and indenting department asking them to file objections, if any, regarding measurement, title and quantum of compensation within stipulated period. In response to this notification, no objections have been received/disposed off. The payment of compensation will be made to the land owners/interested persons as per rules and provisions in vogue.



### Principle of Compensation :—

I. The Final Award of neighbouring Village Jerdi was issued vide No. COL/LA/ADC/Rsi/15/525-526/NSQ dated 18-11-2015 and the rate was approved by the competent authority Rs.1,00,000/- per Local Kanal irrespective of kind of soil.

III. In the instant case, the quality of land is Hail Aabi, Aabi, Thangar, W-I, B. Q. and GM. The entire land is on road side (Reasi-Shivkhori) and it has a lot of commercial potential. Its importance has further increased due to development of Holy Shri Shiv Khori Shrine.

The Draft award was issued by this Collectorate vide No. COL/LA/ADC/Rsi/16/360-361/NSQ dated 07-02-2017 and the same was put up in the meeting of Collectors held on 08-02-2017 under the Chairmanship of District Collector wherein rate of land Rs. 2,00,000/- per Local Kanal for Hail Aabi, Aabi, Thangar, W-I, BQ and Rs. 1,80,000/- per Local Kanal for GM was proposed. The committee of collectors after thorough discussion approved the rate of land @ Rs. 3,00,000/- per Local Kanal irrespective of kind of soil. Accordingly, the Revised Draft Award was issued by this Collectorate vide No. COL/LA/ADC/Rsi/17/46-47/NSQ dated 01-05-2017 incorporating the rates approved in the meeting of collectors. Thereafter the file was sent to Divisional Commissioner, Jammu vide District Collector (Deputy Commissioner),



Besides this, Jabrana @ 15% as admissiable under rules will be paid to the land owners/interested persons. No Structure, Fruit and Non-fruit bearing trees are coming under the alignment of road.

Cost of 43K-11M for Hail		Rs. 1,30,65,000/-
Aabi,Aabi, Thangar, W-I,		
B. Q. and GM @ Rs. 3,00,000/-		oooooooo
PK Local	Total	Rs. 1,30,65,000/-
		oooooooo
Jabrana @ 15%		Rs. 19,59,750/-
Administrative Cost @ 1%		Rs. 1,30,650/-
		oooooooo
	G. Total	Rs. 1,51,55,400/-
		oooooooo

(Sd.).....

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[illegible]

K. M. S.

Kalu Ram	Parkash	0069.5600	GM	300000	142500	142500	21375	163875
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with 8	S/o Sansar	óóóóó	óóóóó
	S/o Sansar	óóóóó	óóóóó

shares in	Chand	Total	442500	66375	508875
	Chand	Chand	0169	5600	

equal. Mst.	Brahman	óóóóó	óóóóó
	Brahman	óóóóó	óóóóó

	Jyoti Devi (without	(without
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97	97	97
98	98	98
99	99	99
100	100	100

daughter 1 title) title)

share. Mst.

Vaishno

Wd/o Suraj

Parkash

one share  
1 share

# Brahmin



1 2 3 4 5 6 7 8 9 10 11 12 (10+1)

K. M. S.

R/o Deh  
(Inheritance  
Mutation  
No. 568  
Amarnath)

02.	Shamlat Deh	Shar-e-Aam	Shar-e-Aam	381	00603600	GM	300000	45000	45000	6750	51750
03.	Gushu Ram, Gyan Chand, Dwarka Nath sons with 26 equal, shares. Mst. Godawri, Mst. Shanti, Mst. Sheelo, Mst. Thakri daughters Mst. Sadro Wd/o Sh.	Self cultivation	Self cultivation	390	01600600	W-I	300000	300000	300000	45000	345000
		Gushu, Dwarka Nath sons with 26 equal, shares. Mst. Godawri, Mst. Shanti, Mst. Sheelo, Mst. Thakri daughters Mst. Sadro Wd/o Sh.	Gushu, Gyan Chand, Dwarka Nath Co-share in equal share		00619600	GM	300000	285000	300000	42750	327750
				Total	01619600			585000	87750	672750	66666
								66666	66666	66666	66666



04.	Gushu Ram, Gyan Chand, Dwarka Nath Ss/o Sh. Heera equal sharer	Kasht Gushu Ram, Dwarka Nath in equal shares	Kasht Gushu Ram, Dwarka Nath in equal shares	391	01600600	W-I	300000	300000	300000	45000	345000
	Brahma Sakin deh										
05.	Shamlat Deh	Maqbooza Malkan	Maqbooza Malkan	392	01603600	GM	300000	345000	345000	51750	396750
06.	Shamlat Deh	Shar-e-Aam	Shar-e-Aam	394	00610..5000	GM	300000	157500	157500	23625	181125
07.	Khushia, Mohar Singh Ss/o Sardaru	Sansar Chand S/o Janki Dass	Sansar Chand S/o Janki Dass	395	00617..5000	BQ	300000	262500	262500	39375	301875







[illegible]



K. M. S.

out of  
144K-17M,  
Kartar Singh,  
Gandarbh  
Singh, Baj  
Singh, Chain  
Singh sons  
of Mir  
Chand with  
equal share  
out of  
½ share  
Jagat Ram,  
Rashpal  
Singh sons  
of Sarban  
equal of 2  
shares out  
of ½ shares,  
Rattan  
Singh,



Ragbir Singh sons Mst. Shakuntala Devi daughters of Baldev Singh with three equal shares of one share of ½ shares out of 231K-15M Thakar jajjai Sakin deh through mutation No. 495	08. Sansar Chand S/o Janki Dass Brahmin Sakin deh
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	1	2	3	4	5	6	7	8	9	10 (9)	11	12 (10+11) 13
<b>K. M. S.</b>												
09. Sansar Chand S/o Janki Dass Brahmin Sakin deh			Self cultivation	Self cultivation	397	00\$03\$00	Aabi GM	300000 300000	45000 127500	45000 127500	6750 19125	51750 14625
Total						00\$11.5\$00				172500	25875	198375
10. Shamlat Deh			Shar-e-aam	Shar-e-aam	542	00\$04\$00	GM	300000	60000	60000	9000	69000
11. Bakshi Ram,			Self cultivation	Self cultivation	562	01\$15\$00	W-I GM	300000 300000	525000 390000	525000 390000	78750 58500	603750 448500
Bihari Lal, Babu Ram, Rattan Lal			Bakshi Ram, Co-sharer	Bakshi Ram, Co-sharer	Total	03\$01\$00				\$\$\$\$ \$\$\$\$	\$\$\$\$ \$\$\$\$	\$\$\$\$ \$\$\$\$
Ss/o Brij Lal Brahman R/o Deh										915000	137250	1052250
										\$\$\$\$ \$\$\$\$	\$\$\$\$ \$\$\$\$	\$\$\$\$ \$\$\$\$



12.	Sham Lal, Ram Lal, Om Parkash, Thoru Ram, sons Mst. Kisho Devi, Vaishno Devi, Sheelo Devi daughters of Laju with equal shares out of $\frac{1}{2}$ shares, Bakshi Ram, Bihari Lal, Babu Ram, Rattan Lal sons of Brij Lal in equal shares out of $\frac{1}{2}$ shares Brahmin sakin deh	Self cultivation	548	00611600	W-I	300000	165000	165000	24750	189750
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K. M. S.

vide  
mutation  
No. 443,  
under  
section 8,  
warasat

13.	Mst. Ishri widow of Jagat Ram	Mst. Paro Wd/o Gokal ½ share	Mst. Paro Wd/o Gokal ½ share	549	01600600 00605600	BQ GM	300000 75000	300000 75000	45000 11250	86250
	½ shares,	Sham Lal, Ram Lal, Om	Sham Lal Ram Lal, Om	Total	01605600				66666 56250	66666 431250
	Raghibir Singh,	Parkash, Thoru	Parkash, Thoru						66666	66666
	sons equal in 5 shares.	Ram sons Mst. Shanti	Ram sons Mst. Shanti						375000	66666
	Mst. Yogmaya daughter	Wd/o Laju in equal ½ share	Wd/o Laju in equal ½ share						66666	66666
	Beli Ram	Brahman	Brahman							



one share out of ½ shares Thakar Jaijai sakin deh	sakin deh Marossian Quaid- muzarian	Maqbooza Khud	553	0066.5600	W-I	300000	97500	97500	14625	112125
14. Mst. Ishri Wd/o Jagat Ram ½ share, Raghbir Singh, Rattan Singh sons with 5 equal shares. Mst. Yogmaya D/o Beli Ram 1 share out of ½ shares Thakar Jaijai sakin deh	Maqbooza Khud	Maqbooza Khud								



[illegible]



16.	Dhani Ram	Sobha Ram,	Sobha Ram,	557	02605600	Than-	675000	675000	101250	776250	Payment
	S/o Gopal	Mansa Ram,	Mansa Ram,			gar					will be
	1/2 share,	Vijay Ram,	Vijay Ram,								made
	Sobha	Suraj Ram,	Suraj Ram,		01619600	GM	300000	585000	87750	672750	after
	Ram,	Inder	Inder					66666	6666	66666	title
	Mansa	Singh	Singh	Total	04604600			1260000	189000	1449000	verifica-
	Ram,	somsMst.	somsMst.					66666	6666	66666	tion
	Vijay	Banti	Banti								
	Ram,	Co-sharer	Co-sharer								
	Suraj	Kasht	Kasht								
	Ram,	Beliram	Beliram								
	Inder	S/o	S/o								
	Singh	Ghansara	Ghansara								
	sons in	Thakar,	Thakar,								
	35 equal	Jaggu	Jaggu								
	shares.	S/o Shonka,	S/o Shonka,								
	Mst.	Munshi	Munshi								
	Banti	S/o Pithu	S/o Pithu								
	D/o Goga	Brahman	Brahman								
	1 share	R/o Deh	R/o Deh								
	out of	in equal	in equal								
	1/2 share	share	share								
	Thakar	Gairmaroosi	Gairmaroosi								
	Jaijai	Langan	Langan								
	R/o Chandi	Naqdi	Naqdi								
	Rahanan	Hasab	Hasab								



K. M. S.

[illegible]



[illegible]

Sobha  
Ram,  
Mansa  
Ram,  
Vijay  
Ram,  
Suraj  
Ram,  
Inder  
Singh  
sons in  
35 equal  
shares.  
Mst.  
Banti  
D/o Goga  
1 share  
out of  
½ share  
Ishri  
Wd/o Jagt  
Ram



K. M. S.

1/2 share, Raghbir Singh, Rattan Singh sons with 5 equal shares. Mst. Yogmaya D/o Beli Ram 1 share out of 1 share Dewan Chand S/o Balak Ram 1 share out of 1/2 share Thakar Jaijai R/o deh
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18. Shamlat	Maqbooza	Maqbooza	605/558 04614.5600	GM	300000	1417500	1417500	212625	1630125
Deh Hasb	Malkan	Malkan							
Rasad									
Khewat									
19. Shamlat	Maqbooza	Maqbooza	606/558 01600600	BQ	300000	300000	300000	45000	345000
Deh Hasb	Beli Ram	Beli Ram	0066.5600	GM	300000	97500	97500	14625	112125
Rasad	Co-sharer	Co-sharer						66666	66666
Khewat			Total	0166.5600				397500	59625
								66666	66666
20. Sarkar	Sarkar	State	561	08601600	GM	300000	2415000	362250	2777250
21. Sarkar	Maqbooza	Maqbooza	561	0166.5600	BQ	300000	397500	59625	457125
	Bakshi	Bakshi							
	Ram, Babu	Ram, Babu							
	Ram S/o	Ram S/o							
	Brij Lal	Brij Lal							
	illegal	illegal							
	occupant	occupant							
22. Sarkar	Maqbooza	Maqbooza	561	02617600	BQ	300000	855000	128250	983250
	Nand	Nand							
	Kumar	Kumar							
	S/o Shri	S/o Shri							



K. M. S.

23.	Mst. Ishri	Nawasan Brahman R/o Deh illegal occupant	Deewan Chand Co-sharer vendor, Kewal Krishan, Nand Kumar son Mst. Ram Payari Wd/o Shri	564	01600600	W-I	300000	300000	300000	45000	345000
	Wd/o				01600600	BQ	300000	300000	300000	45000	345000
	Jagat Ram				00617600	GM	300000	255000	255000	38250	293250
	1 share,			Total	02617600			66666	66666	66666	66666
	Raghibir Singh, Rattan Singh sons with 5 equal shares,							555000	83250	638250	638250
								66666	66666	66666	66666



[illegible]



D/

(Sd.).....

Collector Land Acquisition,  
Additional Deputy Commissioner,  
Reasi.

1 2 3 4 5 6 7 8 9 10 11 12 13

(9) (10+11)

K. M. S.

Rattan Singh sons in equal 5 shares, Mst.

Rattan Singh sons in equal 5 shares, Mst. Jogmaya o Beli Ram 1 share out of ½ share Thakar Jay Jay sakin deh





**THE  
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

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Vol. 131] Jammu, Thu., the 13th Dec., 2018/22nd Agra., 1940. [No. 37  
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Separate paging is given to this part in order that it may be filed as a  
separate compilation.

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**ADVERTISEMENTS—C**

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POLICE HEADQUARTERS, J&K, JAMMU  
(Provision Section).

NIT No. 59 of 2018

Dated 13-11-2018.

For and on behalf of the Governor of Jammu and Kashmir State,  
e-Tenders are hereby invited from original manufacturers or their authorized  
dealers having proper authorization of the manufacturer to quote against  
the tender for the supply of öHOSPITAL EQUIPMENTSö (as indicated  
in the detailed SBD & DoQs). The download of NIT shall start on







POLICE HEADQUARTERS, J&K, JAMMU  
(Provision Section).

Dated 09-11-2018.

The tenders (technical bids only) will be opened online on 01-12-2018 at 1100 hours at Police Headquarters, J&K, Jammu. In case of unforeseen circumstances, the date of opening will be next working day.

AIG (Provision/Transport)  
For Director General of Police,  
J&K, Srinagar.

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POLICE HEADQUARTERS, J&K, JAMMU  
(Provision Section).

Asstt. Director (Admn.)  
For Director, S. K. Police Academy,  
Udhampur-182104, J&K.





رجسٹرڈ نمبر جے کے-33

# جموں و کشمیر گورنمنٹ گزٹ

جلد نمبر 131- جموں- مورخہ 13 دسمبر 2018ء بمطابق 22 اگراہنا 1940 ویروار-37

## اشتہارات

از عدالت سیشن جج اودھم پور

سرکار بنام لکھویر سنگھ وغیرہ

مثل نمبر 06/سپیشل چلان، تاریخ دائرہ 19-08-2016، تاریخ فیصلہ زیر التواء

علت نمبر 179 سال 2016ء، تھانہ پولیس

بجرائم زیر دفعات 8/15/29 NDPS Act



## وارنٹ کشتی زیر دفعہ 512 ض ف

بجلاف ملزم

حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان اُلصدر میں آپ کو بذریعہ وارنٹ کشتی ہذا حکم و اختیار دیا جاتا ہے کہ آپ ملزم پریم سنگھ ولد ملکوٹ سنگھ قوم سکھ ساکنہ جگدیپ نگر نزد گورو رام رائے پبلک سکول لدھیانہ پنجاب کو جہاں کہیں بھی اور جب کبھی بھی اندر حدود ریاست جموں و کشمیر دستیاب ہو، گرفتار کر کے روبرو عدالت ہذا میں پیش کریں۔ وارنٹ ہذا تادستیابی ملزم زیر کار رہے گا۔

وارنٹ ہذا امر 29-03-2018ء کو دستخط و مہر عدالت سے جاری ہوا۔

تحریر 29-03-2018

دستخط : سیشن جج اُودھم پور۔

از عدالت فورتحہ ایڈیشنل ڈسٹرکٹ اینڈ سیشن جج سرینگر

سرکار بنام عابد احمد بیگ

پرچہ علت نمبر 109 سال 2009ء، تھانہ پولیس مائسمہ

بجرائم زیر دفعات 307,147,148,333 RPC



## وارنٹ گشتی زیر دفعہ 512 ض ف

حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر بخلاف ملزم صدر

معاملہ مندرجہ عنوان اُلصدر میں ملزم کو بار بار بذریعہ وارنٹ گرفتاری بلا ضمانتی طلب کیا گیا ہے۔ الا ملزم کی دستیابی نہ ہوئی ہے اور وارنٹ ہذا پر تعمیل آئی ہے کہ ملزم عابد احمد بیگ ولد غلام محمد بیگ ساکنہ چنگبرائ محلہ جبہ کدل سرینگر گھر سے فرار اور روپوش ہو گیا ہے جس سے ملزم کی دستیابی بطریق آسانی مشکل ہے۔

لہذا ملزم کے خلاف کارروائی زیر دفعہ 512 ض ف بعمل لائی جا کر اہلکاران پولیس ریاست جموں و کشمیر کو حکم و اختیار دیا جاتا ہے کہ ملزم متذکرہ بالا جہاں کہیں بھی اندر حدود ریاست دستیاب ہو تو اسے فوراً گرفتار کر کے عدالت ہذا میں پیش کریں۔

سرکار بنام امتیاز احمد وانی

علت نمبر 86 سال 2006ء، تھانہ پولیس

بجرائم زیر دفعات 489/RP C

وارنٹ گشتی عام زیر دفعہ 512 ض ف

حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر بخلاف ملزم صدر



معاملہ مندرجہ عنوان اُلصدر میں ملزم کو بارہا بذریعہ وارنٹ گرفتاری بلا ضمانتی طلب کیا گیا ہے۔ الا ملزم کی دستیابی نہ ہوئی ہے اور وارنٹ ہذا پر تعمیل آئی ہے کہ ملزم امتیاز احمد وانی ولد غلام حسن ساکنہ ماتند سا کپواڑا حال اُسمان آباد کپواڑہ گھر سے فرار اور روپوش ہو گیا ہے جس سے ملزم کی دستیابی بطریق آسانی مشکل ہے۔

لہذا ملزم کے خلاف کارروائی زیر دفعہ 512 ض ف بعمل لائی جا کر اہلکاران پولیس ریاست جموں و کشمیر کو حکم و اختیار دیا جاتا ہے کہ ملزم متذکرہ بالا جہاں کہیں بھی اندر حدود ریاست دستیاب ہو تو اُسے فوراً گرفتار کر کے عدالت ہذا میں پیش کریں۔

دستخط : فورٹھ ایڈیشنل ڈسٹرکٹ اینڈ سیشن جج سرینگر۔





EXTRAORDINARY

REGD. NO. JKô 33



**THE  
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 131] Jammu, Wed., the 19th Sept., 2018/28th Bhad., 1940. [No. 24-s

Separate paging is given to this part in order that it may be filed as a  
separate compilation.

**PART I—B**

**Jammu and Kashmir Government—Notifications.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT HOME DEPARTMENT

Notification

Srinagar, the 19th September, 2018.

SRO-417. Whereas, on 02-05-2017 Police Post, Behibagh,  
Kulgam through a reliable source came to know that a missing person namely  
Faisal Rashid Rather S/o Ab. Rashid Rather R/o Yamrach has joined the



2 The J&K Govt. Gazette, 19th Sept., 2018/28th Bhad., 1940. [No. 24-s  
banned terrorist (HM) organization with the intention to disrupt the peace  
and to wage a war against the sovereignty of India etc. ; and

2. Whereas, in this connection case FIR No. 41/2017 under section  
13 of the Unlawful Activities (Prevention) Act, 1967 came to be registered  
in Police Station, Yaripora ; and

3. Whereas, during the course of investigation, statements of  
witnesses were recorded under the relevant sections of law ; and

4. Whereas, investigation conducted revealed that the accused  
Faisal Rashid Rather S/o Ab. Rashid Rather R/o Yamrach has joined  
terror outfit (HM) with the aim to threaten the security and sovereignty of  
the State and is absconding and evading arrest. Investigation conducted,  
prima facie, established the commission of offence punishable under section  
13 ULA (P) Act, on part of the said accused person and investigation of  
the case was closed as challan ; and

5. Whereas, the Authority appointed by the State Government under  
sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act,  
1967, has independently scrutinized the Case Diary file and all the other  
relevant documents relating to the case and has come to a definite conclusion  
that this is a fit case for accord of prosecution sanction against the said  
accused person for commission of offence punishable under section 13 of  
the Unlawful Activities (Prevention) Act, 1967 ; and

6. Whereas, after perusing the Case Diary, the relevant documents  
and also taking into consideration the observations/views of the Authority  
appointed under sub-section (2) of section 45 of the Unlawful Activities  
(Prevention) Act, 1967, the State Government is of the view that there is  
sufficient material and evidence available against the accused person for  
his prosecution under the aforesaid provision of law.

7. Now, therefore, in exercise of powers conferred by sub-section (2)  
of section 45 of the Unlawful Activities (Prevention) Act, 1967, the  
State Government hereby accord sanction for launching prosecution  
against the below mentioned accused person namely Faisal Rashid



No. 24-s] The J&K Govt. Gazette, 19th Sept., 2018/28th Bhad., 1940. 3  
Rather S/o Ab. Rashid Rather R/o Yamrach for the commission of  
offence punishable under section 13 of the Unlawful Activities (Prevention)  
Act, 1967, arising out of FIR No. 41/2017 of Police Station, Yaripora.

By order of the Government of Jammu and Kashmir.

(Sd.) .....

Principal Secretary to the Government,  
Home Department.





**THE  
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 131] Jammu, Wed., the 19th Sept., 2018/28th Bhad., 1940. [No. 24-u

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separate compilation.

**PART I-B**

**Jammu and Kashmir Government—Notifications.**

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GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT HOME DEPARTMENT

Notification

Srinagar, the 19th September, 2018.

SRO-419. Whereas, on 22-08-2017, Police Post, Banmohalla, Srinagar received an information through reliable source that some unknown miscreants have assembled at Dokan, Sangeen Fethakadal, Srinagar Road and are raising anti-national slogans besides, displaying banners with pictures of a killed militant Sajad Ahmad Gilkar @ Ganda R/o Malik, Aagan,



2 The J&K Govt. Gazette, 19th Sept., 2018/28th Bhad., 1940. [No. 24-u  
Fethakadal and a killed Stone Pelter. They have also posted their pictures  
on electric poles with the aim of getting public sympathy and anger against  
the State and the country etc. ;

2. Whereas, in this connection, Case FIR No. 76/2017 under  
section 13 of the Unlawful Activities (Prevention) Act, 1967 came to be  
registered in Police Station, Mahraj Gunj, Srinagar ; and

3. Whereas, during the course of investigation, the accused No. 1  
Aijaz Ahmad Wani S/o Late Fayaz Ahmad Wani R/o Malik Aagan,  
Fatehakadal was apprehended who disclosed that he was part of the  
protest and had erected the banners on electric poles. On his disclosure,  
one more banner was recovered from his ancestral home and recovery  
memo was accordingly prepared. The said accused further revealed that  
the banners were provided to him by accused No. 2 Mushtaq Ahmad  
Ahanger S/o Ghulam Qadir Ahanger R/o Chinkral Mohalla, Fatehkadal  
who revealed that the banners were printed from a computer system and  
printer belong to accused No. 3 Mubashir Hussain Nanda S/o Ghulam  
Mohi-ud-Din Nanda R/o Merak Shah Sahib Colony, Habak, Srinagar. He  
too was arrested and on his disclosure computer system and allied printer  
was seized which was examined in the presence of civil witnesses and  
objectionable material were recovered from it in the form of print outs and  
accordingly, the system was sent to FSL, Chandigarh for expert opinion ;  
and

4. Whereas, during the course of investigation, statements of witnesses  
were recorded under relevant sections of law and placed on file. Investigation  
conducted *prima facie* established the involvement of the above-mentioned  
three accused persons for the commission of offences punishable under  
section 13 ULAP Act, 1967 and the case was closed as challan ; and

5. Whereas, the Authority appointed by the State Government under  
sub-section (2) of section 45 of the Unlawful Activities (Prevention)  
Act, 1967, has independently scrutinized the Case Diary file and all the  
other relevant documents relating to the case and has come to a definite



No. 24-ul The J&K Govt. Gazette, 19th Sept., 2018/28th Bhad., 1940. 3  
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conclusion that this is a fit case for accord of prosecution sanction against  
the said three accused persons for the commission of offence punishable  
under section 13 of the Unlawful Activities (Prevention) Act, 1967 ; and

6. Whereas, after perusing the Case Diary, the relevant documents  
and also taking into consideration the observations/views of the Authority  
appointed under sub-section (2) of section 45 of the Unlawful Activities  
(Prevention) Act, 1967, the State Government is of the view that there is  
sufficient material and evidence available against the accused persons for  
their prosecution under the aforesaid provision of law.

7. Now, therefore, in exercise of powers conferred by  
sub-section (2) of section 45 of the Unlawful Activities (Prevention)  
Act, 1967, the State Government hereby accords sanction for launching  
prosecution against the accused mentioned below for the commission of  
offence punishable under section 13 of the Unlawful Activities (Prevention)  
Act, arising out of FIR No. 76/2017 in Police Station, Mahraj Gunj,  
Srinagar :ôô

1. Aijaz Ahmad Wani S/o Late Fayaz Ahmad Wani R/o Malik  
Aagan, Fethakadal ; and
2. Mushtaq Ahmad Ahanger S/o Ghulam Qadir Ahanger R/o  
Chinkral Mohalla, Fethakadal ; and
3. Mubashir Hussain Nanda S/o Ghulam Mohi-ud-Din Nanda  
R/o Merak Shah Sahib Colony, Habak, Srinagar.

By order of the Government of Jammu and Kashmir.

(Sd.) .....

Principal Secretary to the Government,  
Home Department.





**THE  
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 131] Jammu, Mon., the 24th Sept., 2018/2nd Asv., 1940. [No. 25-e

Separate paging is given to this part in order that it may be filed as a  
separate compilation.

**PART I-B**

**Jammu and Kashmir Government—Notifications.**

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GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS  
(Power Section)

Notification

Srinagar, the 24th of September, 2018.

SRO-428. In exercise of powers conferred by sub-section (1) of  
section 12 of the Code of Criminal Procedure, Samvat 1989, the  
Government hereby appoint the following officers to be the Executive  
Magistrates of the First Class who shall exercise all the powers of an



2 The J&K Govt. Gazette, 24th Sept., 2018/2nd Asv., 1940. [No. 25-e  
Executive Magistrate of the First Class within their respective territorial  
jurisdiction of Doda till the municipal elections are over :óó

1. Dr. Khurshid Ahmed Mir, Chief Animal Husbandry Officer, Doda.
2. Sh. Mahesh Kumar Thakur, DFO, Social Forestry, Doda.
3. Sh. Khalid Amin Mehta, DFO, Bhadarwah.
4. Sh. Mohd Ayaz Iqbal Mughal, District Education Planning Officer, Doda.
5. Sh. Mohinder Singh, Dy. Director, Forest Protection Force, Doda.
6. Sh.Susheel Rattan Sharma, SDAO Pranoo, Tehsil Doda.
7. Dr. Arun Kumar, Assistant Professor, GDC, Thathri, District Doda.
8. Sh. Anoop Kumar (Jr. KAS), awaiting orders of posting, Distt. HQ., Doda.
9. Dr. Javed Iqbal Rathir, STO, Doda Distt., Doda.
10. Sh. Tariq Parvez Qazi, CDPO, Doda.
11. Sh. Mohd Haroon Khan, Range Officer, Kuntwara, District Doda.
12. Sh. Javed Abdul Dev, Range Officer, Neru, District Doda.
13. Sh. Rahat Bashir, HDO, Assar, District Doda.
14. Sh. Abid Hussain, HDO, Doda, District Doda.
15. Sh. Rakesh Kumar, Assistant Professor, GDC, Doda, District Doda.



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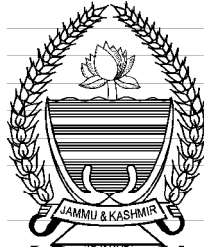
16. Sh. Mohinder Singh Rana, SDO Gandoh (Bhalessa), District Doda.
17. Dr. Tariq Hussain, Vety. Asstt. Surgeon, Phigsoo, District Doda.

By order of the Government of Jammu and Kashmir.

(Sd.) ABDUL MAJID BHAT,

Secretary to Government,  
Department of Law, Justice and Parliamentary Affairs.





**THE**

**JAMMU AND KASHMIR GOVERNMENT GAZETTE**

Vol. 131] Jammu, Fri., the 28th Sept., 2018/6th Asv., 1940. [No. 26-c

Separate paging is given to this part in order that it may  
be filed as a separate compilation.

**PART I—B**

**Jammu and Kashmir Government—Notifications.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT DEPARTMENT OF LAW,  
JUSTICE AND PARLIAMENTARY AFFAIRS

Notification

Srinagar, the 28th September, 2018.

SRO 438. Whereas, the Government of Jammu and Kashmir intended to appoint Public Notaries under section 3 of the Notaries Act, 1952 for various territorial jurisdictions ;

Whereas, the candidates listed at annexure -A and -B have qualified in the interview for appointment as Public Notaries and the Competent Authority has accepted the applications of the said candidates for their appointment as Public Notary for the territorial Jurisdiction shown against each.







7.	Jameel Ahmed Magrey	Karnah
8.	Mohammed Saleem	Kupwara
9.	Tariq Ahmad Mir	Shopian
10.	Khadim Hussain	Kargil
11.	Tasadug Hussain	Nobra
12.	Gulam Mohammed War	Dangiwachan
13.	Deachen Angmo	Leh
14.	Suraya Akbar	Magam
15.	Kunzang Chorol	Leh
16.	Abdul Rehman Malla Wani	Tral
17.	Mohammed Shafi	Tangdar

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## Annexure 5Bö

S. No.	Name of the Advocate	Area of Practice Notaria Jurisdiction
1.	Mehrunissa	Jammu
2.	Parshottam Kumar Sharma	Jammu
3.	Mohammed Iqbal Mir	Jammu
4.	Ritu Sharma	Jammu
5.	Kunwaljeet Kour	Jammu
6.	Pankaj Gupta	Jammu
7.	Rohini Kiran Gupta	Jammu
8.	Pratibha Mahajan	Jammu
9.	Sunaina	Samba
10.	Lovely Mangol	Samba
11.	Tariq Mujahid	Udhampur
12.	Mangal Dev Singh	Banihal
13.	Vikrant Mahajan	Bhaderwah



- |     |                   |                 |
|-----|-------------------|-----------------|
| 14. | Raja Zaffer Nazir | Doda            |
| 15. | Sohan Singh       | Kathua          |
| 16. | Amarjeet Singh    | Ramban (Ukhral) |
| 17. | Sunil Kumar       | Poonch          |
| 18. | Pawan Dev Singh   | Reasi           |
| 19. | Suria Kosar       | Rajouri         |

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EXTRAORDINARY

REGD. NO. JK633



**THE  
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

Vol. 131] Jammu, Fri., the 7th Dec., 2018/16th Agra., 1940. [No. 36-3

Separate paging is given to this part in order that it may be filed as a

separate compilation.

**PART III**

**Laws, Regulations and Rules passed thereunder.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS  
(Legislation Section)

Jammu, the 07th December, 2018.

The following Act has been assented to by the Governor on  
07th December, 2018 and is hereby published for general information :

**THE JAMMU AND KASHMIR (PREVENTIVE  
DETENTION LAWS) (AMENDMENT) ACT, 2018**

(Governor Act No. XXXIII of 2018)

[07th December, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic of  
India.



An Act to amend the Jammu and Kashmir Public Safety Act, 1978, Jammu and Kashmir Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1988 and Jammu and Kashmir Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988.

In exercise of the powers vested under Proclamation No. P-1/18 of 2018 dated 20th of June, 2018, the Governor is pleased to enact as follows :óó

## Preliminary

1. *Short title and commencement.* 66(1) This Act may be called the Jammu and Kashmir (Preventive Detention Laws) (Amendment) Act, 2018.

2. It shall come into force from the date of publication in the Government Gazette.

## CHAPTER I

## Amendment to the Jammu and Kashmir Public Safety Act, 1978

2. *Amendment of section 14, Act VI of 1978.* In section 14 of the Jammu and Kashmir Public Safety Act, 1978, sub-section (3) shall be substituted by the following, namely :—

ð(3) The Chairman and the other Members of the Board shall be appointed by the Government on the recommendations of the Search-cum-Selection Committee consisting of the following :óó

- |  |          |
|--|----------|
| (a) Chief Secretary .....  | Chairman |
| (b) Administrative Secretary,<br>Home Department .....   | Member   |
| (c) Administrative Secretary,<br>Department of Law, Justice and<br>Parliamentary Affairs ..... | Member : |

Provided that no sitting Judge of the High Court or the sitting District and Sessions Judge shall be appointed as Chairman or Member of the Board except in consultation with the Chief Justice of High Court.ö



4. *Amendment of section 9, Act XXIII of 1988.*<sup>66</sup>In section 9 of the Jammu and Kashmir Prevention of Illicit Traffic in Narcotic Drugs and



4 The J&K Govt. Gazette, 7th Dec., 2018/16th Agra., 1940. [No. 36-3  
Psychotropic Substances Act, 1988, clause (a) shall be substituted by the  
following, namely :

õ(a) The Government shall, whenever necessary, constitute an  
Advisory Board which shall consist of a Chairman and two other  
persons possessing qualification as specified in section 9 of the Jammu  
and Kashmir Prevention of Black Marketing and Maintenance of  
Supplies of Essential Commodities Act, 1988 and in the manner  
specified in said section.

#### CHAPTER IV

5. *Repeal and Savings.*õõ(1) The Jammu and Kashmir (Preventive  
Detention Laws) Ordinance, 2018 (Ordinance No. IV of 2018) is hereby  
repealed.

(2) Notwithstanding such repeal, anything done or any action taken  
(including any notification, order, scheme, permission or rule made, granted or  
issued) under the said Ordinance shall continue in force and be deemed to  
have been done or taken under the provisions of this Act, unless and until it is  
superseded by anything done or any action taken under this Act.

(3) All proceedings instituted under the Jammu and Kashmir (Preventive  
Detention Laws) Ordinance, 2018 shall be continued as if instituted under this  
Act.

SATYA PAL MALIK,  
Governor.

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(Sd.) ASHISH GUPTA,  
Deputy Legal Remembrancer,  
Department of Law, Justice and Parliamentary Affairs.



EXTRAORDINARY

REGD. NO. JK—33



**THE  
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 131] Jammu, Fri., the 7th Dec., 2018/16th Agra., 1940. [No. 36-6

Separate paging is given to this part in order that it may be filed as a  
separate compilation.

**PART III**

**Laws, Regulations and Rules passed thereunder.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—DEPARTMENT OF LAW,  
JUSTICE AND PARLIAMENTARY AFFAIRS  
(Legislation Section)

Jammu, the 07th December, 2018.

The following Act has been assented to by the Governor  
on 07th December, 2018 and is hereby published for general  
information :—

**THE JAMMU AND KASHMIR PROTECTION OF  
CHILDREN FROM SEXUAL VIOLENCE ACT, 2018.**

(Governor Act No. XXXVI of 2018)

[07th December, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic  
of India.



A Act to protect children from sexual violence including offences of sexual assault, sexual harassment and pornography and to provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto.

In exercise of the powers vested under Proclamation P-1/18 of 2018 dated 20th of June, 2018, the Governor is pleased to enact as follows :—

## CHAPTER I

### **Preliminary**

1. *Short title, extent and commencement.*—(1) This Act may be called the Jammu and Kashmir Protection of Children from Sexual Violence Act, 2018.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) “Act” means the Jammu and Kashmir Protection of Children from Sexual Violence Act, 2018 ;
- (b) “aggravated penetrative sexual assault” has the same meaning as assigned to it in section 5 ;
- (c) “aggravated sexual assault” has the same meaning as assigned to it in section 9 ;
- (d) “armed forces or security force” means armed forces of the Union or security forces or police forces ;
- (e) “child” means any person below the age of eighteen years ;
- (f) “domestic relationship” shall have the same meaning as assigned to it in clause (f) of section 2 of the Jammu and Kashmir Protection of Women from Domestic Violence Act, 2010 ;
- (g) “Government” means the Government of Jammu and Kashmir ;



- (h) “penetrative sexual assault” has the same meaning as assigned to it in section 3 ;
- (i) “prescribed” means prescribed by rules made under this Act ;
- (j) “religious institution” shall have the same meaning as assigned to it in the Religious Institutions (Prevention of Misuse) Act, 1988 (Central Act No. 41 of 1988) ;
- (k) “sexual assault” has the same meaning as assigned to it in section 7 ;
- (l) “sexual harassment” has the same meaning as assigned to it in section 11 ;
- (m) “shared household” means a household where the person charged with the offences lives or has lived at any time in a domestic relationship with the child ;
- (n) “Special Court” means a court designated as such under section 28 ; and
- (o) “Special Public Prosecutor” means a Public Prosecutor appointed under section 33.

(2) The words and expressions used and not defined herein but defined in the State Ranbir Penal Code, the Code of Criminal Procedure, Samvat 1989, the Juvenile Justice (Care and Protection of Children) Act, 2013 and the Information Technology Act, 2000 (Central Act No. 21 of 2000) shall have the meaning respectively assigned to them in the said laws.

## CHAPTER II

### **A-penetrative Sexual Assault and Punishment therefor**

3. *Penetrative Sexual Assault*.—A person is said to commit “penetrative sexual assault” if—

- (a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person ; or



- (b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person ; or
- (c) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person ; or
- (d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.

4. *Punishment for penetrative sexual assault.*—Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

**B-Aggravated Penetrative Sexual Assault and Punishment therefor**

5. *Aggravated Penetrative Sexual Assault.*—(a) Whoever, being a Police Officer, commits penetrative sexual assault on a child—

- (i) within the limits of the police station or premises at which he is appointed, or
- (ii) in the premises of any station house, whether or not situated in the police station, to which he is appointed ; or
- (iii) in the course of his duties or otherwise ; or
- (iv) where he is known as, or identified as a police officer ; or

(b) whoever being a member of the armed forces or security forces commits penetrative sexual assault on a child—

- (i) within the limits of the area to which the person is deployed ; or



(ii) in any areas under the command of the forces or armed forces ; or

(iii) where the said person is known or identified as a member of the security or armed forces ; or

(c) whoever being a public servant commits penetrative sexual assault on a child ; or

(d) whoever being on the management or on the staff of a jail, remand home, protection home, observation home, or other place of custody or care and protection established by or under any law for the time being in force, commits penetrative sexual assault on a child, being inmate of such jail, remand home, protection home, observation home, or other place of custody or care and protection ; or

(e) whoever being on the management or staff of a hospital, whether Government or private, commits penetrative sexual assault on a child in that hospital ; or

(f) whoever being on the management or staff of an educational institution or religious institution, commits penetrative sexual assault on the child in that institution ; or

(g) whoever commits gang penetrative sexual assault on a child.

*Explanation:*—When a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang penetrative sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone ; or

(h) whoever commits penetrative sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance ; or

(i) whoever commits penetrative sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child ; or



(j) whoever commits penetrative sexual assault on a child, which—

(i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (s) of section 2 of the Mental Health Care Act, 2017 (Central Act No. 10 of 2017) or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently ; or

(ii) inflicts the child with Human Immune Deficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks ; or

(k) whoever, taking advantage of a child's mental or physical disability, commits penetrative sexual assault on the child ; or

(l) whoever commits penetrative sexual assault on the child more than once or repeatedly ; or

(m) whoever commits penetrative sexual assault on a child below twelve years ; or

(n) whoever, being a relative of the child through blood or adoption or marriage or guardianship or in foster care or having a domestic relationship with a parent of the child or who is living in the same or shared household with the child, commits penetrative sexual assault on such child ; or

(o) whoever, being in the ownership, or management, or staff, of any institution providing services to the child, commits penetrative sexual assault on the child ; or

(p) whoever, being in a position of trust or authority of a child, commits penetrative sexual assault on the child in an institution or home of the child or anywhere else ; or

(q) whoever commits penetrative sexual assault on a child knowing the child is pregnant ; or



(r) whoever commits penetrative sexual assault on a child and attempts to murder the child ; or

(s) whoever commits penetrative sexual assault on a child in the course of communal or sectarian violence ; or

(t) whoever commits penetrative sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force ; or

(u) whoever commits penetrative sexual assault on a child and makes the child to strip or parade naked in public, is said to commit aggravated penetrative sexual assault.

6. *Punishment for aggravated penetrative sexual assault.*—Whoever, commits aggravated penetrative sexual assault shall be punished with rigorous imprisonment which shall not be less than twelve years but may extend to imprisonment for life and shall also be liable to fine.

#### **C-Sexual Assault and Punishment therefor**

7. *Sexual Assault.*—Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault.

8. *Punishment of Sexual Assault.*—Whoever, commits sexual assault, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to five years, and shall also be liable to fine.

#### **D-Aggravated Sexual Assault and Punishment therefor**

9. *Aggravated Sexual Assault.*—(a) Whoever, being a police officer, commits sexual assault on a child—

(i) within the limits of the police station or premises where he is appointed ; or



(ii) in the premises of any station house whether or not situated in the police station to which he is appointed ; or

(iii) in the course of his duties or otherwise ; or

(iv) where he is known as, or identified as a police officer ;  
or

(b) whoever, being a member of the armed forces or security forces, commits sexual assault on a child—

(i) within the limits of the area to which the person is deployed ; or

(ii) in any areas under the command of the security or armed forces ; or

(iii) in the course of his duties or otherwise ; or

(iv) where he is known or identified as a member of the security or armed forces ; or

(c) whoever being a public servant commits sexual assault on a child ; or

(d) whoever being on the management or on the staff of a jail, or remand home or protection home or observation home, or other place of custody or care and protection established by or under any law for the time being in force commits sexual assault on a child being inmate of such jail or remand home or protection home or observation home or other place of custody or care and protection ; or

(e) whoever being on the management or staff of a hospital, whether Government or private, commits sexual assault on a child in that hospital ; or

(f) whoever being on the management or staff of an educational institution or religious institution, commits sexual assault on a child in that institution ; or

(g) whoever commits gang sexual assault on a child ;



*Explanation:*—When a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang penetrative sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone ; or

(h) whoever commits sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance ; or

(i) whoever commits sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child ; or

(j) whoever commits sexual assault on a child, which—

(i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (s) of section 2 of the Mental Health Care Act, 2017 (Central Act No. 10 of 2017) or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently ; or

(ii) inflicts the child with Human Immuno Deficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks ; or

(k) whoever, taking advantage of a child's mental or physical disability, commits sexual assault on the child ; or

(l) whoever commits sexual assault on the child more than once or repeatedly ; or

(m) whoever commits sexual assault on a child below twelve years ; or

(n) whoever, being a relative of the child through blood or adoption or marriage or guardianship or in foster care, or having



domestic relationship with a parent of the child, or who is living in the same or shared household with the child, commits sexual assault on such child ; or

(o) whoever being in the ownership or management or staff of any institution providing services to the child, commits sexual assault on the child in such institution ; or

(p) whoever, being in a position of trust or authority of a child, commits sexual assault on the child in an institution or home of the child or anywhere else ; or

(q) whoever commits sexual assault on a child knowing the child is pregnant ; or

(r) whoever commits sexual assault on a child and attempts to murder the child ; or

(s) whoever commits sexual assault on a child in the course of communal or sectarian violence ; or

(t) whoever commits sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force ; or

(u) whoever commits sexual assault on a child and makes the child to strip or parade naked in public, is said to commit aggravated sexual assault.

10. *Punishment for aggravated sexual assault.*—Whoever, commits aggravated sexual assault shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to ten years, and shall also be liable to fine.

#### **E-Sexual Harassment and Punishment therefor**

11. *Sexual harassment.*—A person is said to commit sexual harassment upon a child when such person with sexual intent,—

(i) utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention



that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child ; or

- (ii) makes a child exhibit his body or any part of his body so as it is seen by such person or any other person ; or
- (iii) shows any object to a child in any form or media for pornographic purposes ; or
- (iv) repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means ; or
- (v) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act ; or
- (vi) entices a child for pornographic purposes or gives gratification therefor.

*Explanation:*—Any question which involves “sexual intent” shall be a question of fact.

12. *Punishment for sexual harassment.*—Whoever commits sexual harassment upon a child shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

### CHAPTER III

#### **Using Child for Pornographic Purposes and Punishment therefor**

13. *Using Child for Pornographic purposes.*—Whoever, uses a child in any form of media (including programme or advertisement telecast by television channels or internet or any other electronic form or printed form, whether or not such programme or advertisement is



intended for personal use or for distribution), for the purposes of sexual gratification, which includes—

- (a) representation of the sexual organs of a child ;
- (b) usage of a child engaged in real or simulated sexual acts (with or without penetration) ; and
- (c) the indecent or obscene representation of a child ;

shall be guilty of the offence of using a child for pornographic purposes.

*Explanation:*—For the purposes of this section, the expression “use a child” shall include involving a child through any medium like print, electronic, computer or any other technology for preparation, production, offering, transmitting, publishing, facilitation and distribution of the pornographic material.

14. *Punishment for using child for pornographic purposes.*—

(1) Whoever, uses a child or children for pornographic purposes shall be punished with imprisonment of either description which may extend to five years and shall also be liable to fine and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also be liable to fine.

(2) If the person using the child for pornographic purposes commits an offence referred to in section 3, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than twelve years but which may extend to imprisonment for life, and shall also be liable to fine.

(3) If the person using the child for pornographic purposes commits an offence referred to in section 5, by directly participating in pornographic acts, he shall be punished for rigorous imprisonment for life which shall mean the imprisonment for the remainder of that persons natural life and shall also be liable to fine.



(4) If the person using the child for pornographic purposes commits an offence referred to in section 7, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than six years but which may extend to eight years, and shall also be liable to fine.

(5) If the person using the child for pornographic purposes commits an offence referred to in section 9, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than eight years but which may extend to ten years, and shall also be liable to fine.

15. *Punishment for storage of pornographic material involving child.*—Any person, who stores, for commercial purposes any pornographic material in any form involving a child shall be punished with imprisonment of either description which may extend to three years or with fine or with both.

#### CHAPTER IV

##### **Abetment of and Attempt to Commit an Offence**

16. *Abetment of an offence.*—A person abets an offence, who—

*First.*—Instigates any person to do that offence ; or

*Secondly.*—Engages with one or more other person or persons in any conspiracy for the doing of that offence, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that offence ; or

*Thirdly.*—Intentionally aids, by any act or illegal omission, the doing of that offence.

*Explanation I:*—A person who, by wilful misrepresentation, or by wilful concealment of a material fact, which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure a thing to be done, is said to instigate the doing of that offence.



*Explanation II:*—Whoever, either prior to or at the time of commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

*Explanation III:*—Whoever employ, harbours, receives or transports a child, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position, vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of any offence under this Act, is said to aid the doing of that act.

17. *Punishment for abetment.*—Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall be punished with punishment provided for that offence.

*Explanation:*—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy or with the aid, which constitutes the abetment.

18. *Punishment for attempt to commit an offence.*—Whoever attempts to commit any offence punishable under this Act or to cause such an offence to be committed, and in such attempt, does any act towards the commission of the offence, shall be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence or with fine or with both.

## CHAPTER V

### Procedure for Reporting of Cases

19. *Reporting of offence.*—(1) Notwithstanding anything contained in the Code of Criminal Procedure, Samvat 1989, any person



(including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to,—

(a) the Special Juvenile Police Unit ; or

(b) the local police.

(2) Every report given under sub-section (1) shall be—

(a) ascribed an entry number and recorded in writing ;

(b) be read over to the informant ;

(c) shall be entered in a book to be kept by the Police Unit.

(3) Where the report under sub-section (1) is given by a child, the same shall be recorded under sub-section (2) in a simple language so that the child understands contents being recorded.

(4) In case contents are being recorded in the language not understood by the child or where child is temporarily or permanently physically disabled, a translator or an interpreter or a special educator or a medical officer, having such qualifications, experience as may be prescribed, shall be provided to the child free of cost wherever it is deemed necessary :

Provided that if the child making the statement is temporarily or permanently disabled, the statement made by the child with the assistance of an interpreter or special educator or medical officer may be videographed.

(5) Where the Special Juvenile Police Unit or local police is satisfied that the child against whom an offence has been committed is in need of care and protection, then, it shall, after recording the reasons in writing, make immediate arrangement to give him such care and protection (including admitting the child into shelter home or to the nearest hospital) within twenty-four hours of the report, as may be prescribed.



(6) The Special Juvenile Police Unit or local police shall, without unnecessary delay but within a period of twenty-four hours, report the matter to the Child Welfare Committee and the Special Court or where no Special Court has been designated, to the Court of Session, including need of the child for care and protection and steps taken in this regard.

(7) No person shall incur any liability, whether civil or criminal, for giving the information in good faith for the purpose of sub-section (1).

20. *Obligation of media, studio and photographic facilities to report cases.*— Any personnel of the media or hotel or lodge or hospital or club or studio or photographic facilities, by whatever name called, irrespective of the number of persons employed therein, shall, on coming across any material or object which is sexually exploitative of the child (including pornographic, sexually-related or making obscene representation of a child or children) through the use of any medium, shall provide such information to the Special Juvenile Police Unit, or to the local police, as the case may be.

21. *Punishment for failure to report or record a case.*—(1) Any person, who fails to report the commission of an offence under sub-section (1) of section 19 or section 20 or who fails to record such offence under sub-section (2) of section 19 shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(2) Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section (1) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine.

(3) The provisions of sub-section (1) shall not apply to a child under this Act.

22. *Punishment for false complaint or false information.*— (1) Any person, who makes false complaint or provides false information against any person, in respect of an offence committed under sections 3, 5, 7 and section 9, solely with the intention to



humiliate, extort or threaten or defame him, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

(2) Where a false complaint has been made or false information has been provided by a child, no punishment shall be imposed on such child.

(3) Whoever, not being a child, makes a false complaint or provides false information against a child, knowing it to be false, thereby victimizing such child in any of the offences under this Act, shall be punished with imprisonment which may extend to one year or with fine or with both.

23. *Procedure for media.*—(1) No person shall make any report or present comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, which may have the effect of lowering his reputation or infringing upon his privacy.

(2) No reports in any media shall disclose, the identity of a child including his name, address, photograph, family details, school, neighbourhood or any other particulars which may lead to disclosure of identity of the child :

Provided that for reasons to be recorded in writing, the Special Court, competent to try the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

(3) The publisher or owner of the media or studio or photographic facilities shall be jointly and severally liable for the acts and omissions of his employee.

(4) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to be punished with imprisonment of either description for a period which shall not be less than six months but which may extend to one year or with fine or with both.



## CHAPTER VI

### **Procedures for Recording Statement of the Child**

24. *Recording statement of a child.*—(1) The statement of the child shall be recorded at the residence of the child or at a place where he/she usually resides or at the place of his/her choice and as far as practicable by a woman police officer not below the rank of sub-inspector.

(2) The police officer while recording the statement of the child shall not be in uniform.

(3) The police officer making the investigation, shall, while examining the child, ensure that at no point of time the child come in the contact in any way with the accused.

(4) No child shall be detained in the police station in the night for any reason.

(5) The police officer shall ensure that the identity of the child is protected from the public media, unless otherwise directed by the Special Court in the interest of the child.

25. *Recording statement of a child by Magistrate.*—(1) If the statement of the child is being recorded under section 164 or 164-A of the Code of Criminal Procedure, Samvat 1989, the Magistrate recording such statement shall, notwithstanding anything contained therein, record the statement as spoken by the child.

(2) The Magistrate shall provide to the child and his parents or his representative, a copy of the document specified under section 205-B of the Code of Criminal Procedure, Samvat 1989, upon the final report being filed by the police under section 173 of the Code of Criminal Procedure, Samvat 1989.

26. *Additional provisions regarding statement to be recorded.*—

(1) The Magistrate or the police officer, as the case may be, shall record



the statement as spoken by the child in the presence of the parents of the child or any other person in whom the child has trust or confidence.

(2) Wherever necessary, the Magistrate or the police officer, as the case may be, may take the assistance of a translator or an interpreter, having such qualifications, experience free of cost while recording the statement of the child.

(3) The Magistrate or the police officer, as the case may be, may, in the case of a child having a mental or physical disability, seek the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed, to record the statement of the child.

(4) Wherever possible, the Magistrate or the police officer, as the case may be, shall ensure that the statement of the child is also recorded by audio-video electronic means.

27. *Medical examination of a child.*—(1) The medical examination of a child in respect of whom any offence has been committed under this Act, shall, notwithstanding that a First Information Report or complaint has not been registered for the offences under this Act, be conducted in accordance with section 164-B of the Code of Criminal Procedure, 1989.

(2) In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.

(3) The medical examination shall be conducted in the presence of the parent of the child or any other person in whom the child reposes trust or confidence.

(4) Where, in case the parent of the child or other person referred to in sub-section (3) cannot be present, for any reason, during the medical examination of the child, the medical examination shall be conducted in the presence of a woman nominated by the head of the medical institution.



## CHAPTER VII

### Special Courts

28. *Designation of Special Courts.*—(1) For the purposes of providing a speedy trial, the Government shall in consultation with the Chief Justice of the High Court, by notification in the Government Gazette, designate for each district, a Court of Session to be a Special Court to try the offences under the Act.

(2) While trying an offence under this Act, a Special Court shall also try an offence other than an offence under this Act, with which the accused may, under the Code of Criminal Procedure, Samvat 1989, be charged at the same trial.

(3) The Special Court designated under this Act, notwithstanding anything in the Information Technology Act, 2000 (Central Act No. 21 of 2000) shall have jurisdiction to try offences under section 67-B of that Act in so far as it relates to publication or transmission of sexually explicit material depicting children in any act, or conduct or manner or facilitates abuse of children online.

29. *Presumption as to certain offences.*—Where a person is prosecuted for committing or abetting or attempting to commit any offence under sections 3, 5, 7 and section 9 of this Act, the Special Court shall presume, that such person has committed the offence, unless the contrary is proved.

30. *Presumption of culpable mental state.*—(1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the Special Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

(2) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.



*Explanation.*—In this section, "culpable mental state" includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.

31. *Application for Code of Criminal Procedure, 1989 to proceedings before a Special Court.*—Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, Samvat 1989 (including the provisions as to remand) shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Sessions and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor.

32. *Offences to be cognizable and non-bailable.*—(1) The offences under this Act shall be cognizable and non-bailable.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, Samvat, 1989, no person accused of an offence punishable under this Act shall if in custody be released on bail or on his own bond unless the Public Prosecutor has been given an opportunity of being heard on the application for such release :

Provided that such accused person shall not be released on bail or on his own bond if the Court, on perusal of the case diary or the report made under section 173 of the Code of Criminal Procedure, Samvat 1989, is of the opinion that there are reasonable grounds for believing that the accusation against such person is *prima facie* true.

(3) The restrictions on granting of bail specified in sub-section (1) shall be in addition to the restrictions under the Code of Criminal Procedure, Samvat 1989 or any other law for time being in force on granting of bail.

(4) Nothing in section 497A of the Code shall apply in relation to any case involving the arrest of any person accused of having committed an offence under the provisions of this Act.

33. *Special Public Prosecutor.*—(1) The State Government shall, by notification in the Government Gazette, appoint a Special Public



Prosecutor for every Special Court for conducting cases only under the provisions of this Act.

(2) A person shall be eligible to be appointed as a Special Public Prosecutor under sub-section (1) only if he had been in practice for not less than seven years as an advocate.

(3) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of section 492 of the Code of Criminal Procedure, Samvat 1989 and provision of that Code shall have effect accordingly.

## CHAPTER VIII

### **Procedure and Powers of Special Courts and Recording of Evidence**

34. *Procedure and powers of special court.*—(1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.

(2) The Special Public Prosecutor, or as the case may be, the counsel appearing for the accused shall, while recording the examination-in-chief, cross-examination or re-examination of the child, communicate the questions to be put to the child to the Special Court which shall in turn put those questions to the child.

(3) The Special Court may, if it considers necessary, permit frequent breaks for the child during the trial.

(4) The Special Court shall create a child-friendly atmosphere by allowing a family member, a guardian, a friend or a relative, in whom the child has trust or confidence, to be present in the court.

(5) The Special Court shall ensure that the child is not called repeatedly to testify in the court.

(6) The Special Court shall not permit aggressive questioning or character assassination of the child and ensure that dignity of the child is maintained at all times during the trial.



(7) The Special Court shall ensure that the identity of the child is not disclosed at any time during the course of investigation or trial :

Provided that for reasons to be recorded in writing, the Special Court may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

*Explanation* :—For the purposes of this sub-section, the identity of the child shall include the identity of the child's family, school, relatives, neighborhood or any other information by which the identity of the child may be revealed.

(8) In appropriate cases, the Special Court may, in addition to the punishment, direct payment of such compensation as may be prescribed to the child for any physical or mental trauma caused to him or for immediate rehabilitation of such child.

(9) Subject to the provisions of this Act, a Special Court shall, for the purpose of the trial of any offence under this Act, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, and as far as may be, in accordance with the procedure specified in the Code of Criminal Procedure, Samvat 1989 for trial before a Court of Session.

35. *Procedure in case of commission of offence by child and determination of age by Special court.*—(1) Where any offence under this Act is committed by a child, such child shall be dealt with under the provisions of the Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act, 2013.

(2) If any question arises in any proceeding before the Special Court whether a person is a child or not, such question shall be determined by the Special Court after satisfying itself about the age of such person and it shall record in writing its reasons for such determination.

(3) No order made by the Special Court shall be deemed to be invalid merely by any subsequent proof that the age of a person as determined by it under sub-section (2) was not the correct age of that person.



36. *Special procedure for recording of evidence of child and disposal of case.*—(1) The trial of offences under this Act shall commence within one week from the date of the presentation of the police report under section 173 of the Code of Criminal Procedure, Samvat 1989 and shall as far as possible be completed within a period of three months. The proceedings of the Court shall preferably be held on day to day basis :

Provided that a report on the status of the trial shall be sent by the trial Court to the High Court after every three months with reasons of non-conclusion of trial.

(2) The evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence and reasons for delay, if any, shall be recorded by the Special Court.

(3) The witnesses of the prosecution shall be bound to appear before the Court on the date fixed for the hearing on a notice received from Investigating Officer, Public Prosecutor or Court.

(4) The list of defence witnesses shall be submitted by the accused within two working days of the closure of prosecution evidence and recording of statement of the accused, if any. These witnesses shall be summoned and served by the Court :

Provided that the court may at the request of the defence summon witnesses other than those included in the list for reasons to be recorded.

37. *Child not to see accused at the time of testifying.*—(1) The Special Court shall ensure that the child is not exposed in any way to the accused at the time of recording of the evidence, while at the same time ensuring that the accused is in a position to hear the statement of the child and communicate with his advocate.

(2) For the purposes of sub-section (1), the Special Court may record the statement of a child through video conferencing or by utilizing single visibility mirrors or curtains or any other device.



38. Trials to be conducted in camera.— The Special Court shall try cases in camera and in the presence of the parents of the child or any other person in whom the child has trust or confidence :

Provided that where the Special Court is of the opinion that the child needs to be examined at a place other than the court, it shall proceed to issue a commission in accordance with the provisions of section 504 of the Code of Criminal Procedure, 1989.

39. *Assistance of an interpreter of expert while recording evidence of child.*—(1) Wherever necessary, the Court may take the assistance of a translator or interpreter having such qualifications, experience as may be prescribed, while recording the evidence of the child.

(2) If a child has a mental or physical disability, the Special Court may take the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications and experience as may be prescribed to record the evidence of the child.

## CHAPTER IX

### Miscellaneous

40. *Guidelines for child to take assistance of experts, etc.*— Subject to such rules as may be made in this behalf, the State Government shall prepare guidelines for use of non-governmental organizations, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child.

41. *Right of child to take assistance of legal practitioner.*— Subject to the proviso to section 340-A of the Code of Criminal Procedure, Samvat 1989, the family or the guardian of the child shall



be entitled to the assistance of a legal counsel of their choice for any offence under this Act :

Provided that if the family or the guardian of the child are unable to afford a legal counsel, the Legal Services Authority concerned shall provide a lawyer to them.

42. *Provisions of section 3 to 13 not to apply in certain cases.*—The provisions of sections 3 to 13 (both inclusive) shall not apply in case of medical examination or medical treatment of a child when such medical examination or medical treatment is undertaken with the consent of his parents or guardian.

43. *Alternative punishment.*—(1) Where an act or omission constitute an offence punishable under this Act and also under sections 166A, 354A, 354C, 354D, 370, 370A, 375, 376, 376A, 376AB, 376C, 376D, 376DA, 376DB, 376E or section 509 of the State Ranbir Penal Code, then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under such law or this Act as provides for punishment which is greater in degree.

44. *Public awareness about Act.*—The Government, shall take all measures to ensure that,—

(a) the provisions of this Ordinnace are given wide publicity through media including the television, radio and the print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provisions of this Act ;

(b) the officers of the Central Government and the State Governments and other concerned persons (including the police officers) are imparted periodic training on the matters relating to the implementation of the provisions of the Act.”

45. *Free Medical treatment to victims.*—(1) All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately,



provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under this Act and shall immediately inform the police of such incident.

(2) Whoever being incharge of a hospital, public or private, whether run by the Central Government, the State Government, Local Bodies or any other person, contravenes the provisions of sub-section (1) of this Act, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

*Explanation:—*The expression "hospital" means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of victims during convalescence or of victims requiring medical attention or rehabilitation or medical examination or pathological tests.

46. *Educational Institutions to ensure safety and protection of children.*—(1) Every Educational Institution shall ensure that child studying in such institution shall not be exposed to any kind of sexual abuse or any of the offences under this Act.

(2) The Government shall lay down policy and guidelines for fixing the liability of educational institution in whose premises offences under this Act take place and to fix the duty of other Government Institution to ensure proper safety of school going children in particular and child in general.

47. *Act not in derogation of any other law.*—The provision of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force and, in case of any inconsistency, the provisions of this Act shall have over riding effect on the provisions of any such law to the extent of the inconsistency.

48. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order not inconsistent with the provisions of this Act, remove the difficulty :



Provided that no such order shall be made after the expiry of a period of two years from the commencement of the Act.

49. *Power to make rules.*—(1) The Government may, by notification in the Government Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

- (a) the qualifications and experience of, and the fees payable to, a translator or an interpreter, a special educator or any person familiar with the manner of communication of the child or an expert in that field, under sub-section (4) of section 19 ; sub-sections (2) and (3) of section 26 and section 38 ;
- (b) care and protection and emergency medical treatment of the child under subsection (5) of section 19 ;
- (c) the payment of compensation under sub-section (8) of section 33 ;
- (d) the manner of periodic monitoring of the provisions of the Act under sub-section (1) of section 44.
- (e) any other matter which is to be or may be prescribed from time to time.

50. *Repeal and Saving.*—(1) The Jammu and Kashmir Protection of Children from Sexual Violence Ordinance, 2018 (Ordinance No. II of 2018) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification, order, scheme, permission or rule made, granted or issued) under the said Ordinance shall continue in force and be deemed to have been done or taken under the provisions of this Act, unless and until it is superseded by anything done or any action taken under this Act.



(3) All prosecutions and other proceedings instituted under the Jammu and Kashmir Protection of Children from Sexual Violence Ordinance, 2018 shall be continued as if instituted under this Act.

SATYA PAL MALIK

Governor.

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(Sd.) ASHISH GUPTA,

Deputy Legal Remembrancer,  
Department of Law, Justice and Parliamentary Affairs.



EXTRAORDINARY

REGD. NO. JK633



**THE  
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

.....  
Vol. 131] Jammu, Tue., the 4th Dec., 2018/13th Agra., 1940. [No. 35-4

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Separate paging is given to this part in order that it may be filed as a  
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**PART III**

**Laws, Regulations and Rules passed thereunder.**

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GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS  
(Legislation Section)

Jammu, the 04th December, 2018.

The following Act has been assented to by the Governor on  
04th December, 2018 and is hereby published for general information :óó

**THE JAMMU AND KASHMIR PROTECTION OF  
HUMAN RIGHTS (AMENDMENT) ACT, 2018**

(Governor Act No. XXVIII of 2018)

[04th December, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic of  
India.



2 The J&K Govt. Gazette, 4th Dec., 2018/13th Agra., 1940. [No. 35-4  
An Act to amend the Jammu and Kashmir Protection of Human Rights  
Act, 1997.

In exercise of the powers vested under Proclamation No. P-1/18  
of 2018 dated 20th of June, 2018, the Governor is pleased to enact as  
follows :

1. *Short title and commencement.* (1) This Act may be called the  
Jammu and Kashmir Protection of Human Rights (Amendment) Act, 2018.

(2) It shall come into force from the date of its publication in the  
Government Gazette.

2. *Amendment in section 19, Act No. XV of 1997.* In section 19 of  
the Jammu and Kashmir Protection of Human Rights Act, 1997 (hereinafter  
referred to as ~~the principal Act~~), in sub-section (5), for the words,  
“one month”, the words “three months” shall be substituted.

3. *Amendment in section 24, Act No. XV of 1997.* In section 24 of  
~~the principal Act~~, after sub-section (1), the following sub-section shall be  
added, namely :

(1A) The Commission shall not inquire into any matter after the  
expiry of one year from the date on which the act constituting violation  
of human rights is alleged to have been committed :

Provided that provision of this sub-section shall not apply to inquiries  
pending before the Commission on 28-11-2018.

SATYA PAL MALIK,  
Governor.

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(Sd.) ASHISH GUPTA,  
Deputy Legal Remembrancer,  
Department of Law, Justice and Parliamentary Affairs.



EXTRAORDINARY

REGD. NO. JK633



**THE  
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**PART III**

**Laws, Regulations and Rules passed thereunder.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS  
(Legislation Section)

Jammu, the 04th December, 2018.

The following Act has been assented to by the Governor on  
04th December, 2018 and is hereby published for general information :

**THE JAMMU AND KASHMIR STATE PARTNERSHIP  
(AMENDMENT) ACT, 2018**

(Governor Act No. XXIX of 2018)

[04th December, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic of  
India.



An Act to amend the Jammu and Kashmir State Partnership Act,  
Samvat 1996.

1. *Short title and commencement.* 66(1) This Act may be called the Jammu and Kashmir State Partnership (Amendment) Act, 2018.

2. *Amendment of section 71, Act No. V of Samvat 1996.*<sup>66</sup>  
In section 71 of the Jammu and Kashmir State Partnership Act, Samvat 1996 (hereinafter referred to as the principal Act),<sup>66</sup>

- (i) the colon (:) at the end of sub-section (1) shall be substituted by full stop (.) ; and
- (ii) the proviso to sub-section (1) shall be omitted.

3. *Omission of Schedule-I, Act No. V of Samvat 1996.* Schedule-I appended to the principal Act shall be omitted.

SATYA PAL MALIK,  
Governor.

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(Sd.) ASHISH GUPTA,  
Deputy Legal Remembrancer,  
Department of Law, Justice and Parliamentary Affairs.



EXTRAORDINARY

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**PART III**

**Laws, Regulations and Rules passed thereunder.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS  
(Legislation Section)

Jammu, the 04th December, 2018.

The following Act has been assented to by the Governor on  
04th December, 2018 and is hereby published for general information :

**THE JAMMU AND KASHMIR PANCHAYATI RAJ  
(FIFTH AMENDMENT) ACT, 2018**

(Governor Act No. XXXI of 2018)

[04th December, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic of  
India.



2 The J&K Govt. Gazette, 4th Dec., 2018/13th Agra., 1940. [No. 35-7  
An Act to amend the Jammu and Kashmir Panchayati Raj Act, 1989.

In exercise of the powers vested under Proclamation No. P-1/18 of 2018 dated 20th June, 2018, the Governor is pleased to enact as follows :

1. *Short title and commencement.* (1) This Act may be called the Jammu and Kashmir Panchayati Raj (Fifth Amendment) Act, 2018.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment of section 8, Act No. IX of 1989.* In section 8 of the Jammu and Kashmir Panchayati Raj Act, 1989, (hereinafter referred to as the principal Act), in sub-section (2), for the figures, sign and words, "50% of the total number of members" the figures, sign and words, "50% of the total number of elected members" shall be substituted.

3. *Amendment of section 9, Act No. IX of 1989.* In section 9 of the principal Act in sub-section (1) in clause (b), the words, "or less than one third of the total members are elected" shall be omitted.

SATYA PAL MALIK,  
Governor.

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(Sd.) ASHISH GUPTA,  
Deputy Legal Remembrancer,  
Department of Law, Justice and Parliamentary Affairs.



EXTRAORDINARY

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**PART III**

**Laws, Regulations and Rules passed thereunder.**

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GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS  
(Legislation Section)

Jammu, the 04th December, 2018.

The following Act has been assented to by the Governor on  
04th December, 2018 and is hereby published for general information :óó

**THE JAMMU AND KASHMIR UNDERGROUND PUBLIC  
UTILITIES (ACQUISITION OF RIGHTS OF USER IN LAND)  
(AMENDMENT) ACT, 2018**

(Governor Act No. XXXVII of 2018)

[4th December, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic of  
India.



2 The J&K Govt. Gazette, 4th Dec., 2018/13th Agra., 1940. [No. 35-9  
An Act to amend the Jammu and Kashmir Underground Public Utilities  
(Acquisition of Rights of User in Land) Act, 2014.

In exercise of the powers vested under Proclamation No. P-1/18  
of 2018 dated 20th June, 2018, the Governor is pleased to enact as  
follows :

1. *Short title and commencement.* (1) This Act may be called the  
Jammu and Kashmir Underground Public Utilities (Acquisition of Rights of  
User in Land) (Amendment) Act, 2018.

(2) It shall come into force from the date of its publication in the  
Government Gazette.

2. *Amendment of section 5, Act No. IV of 2014.* In section 5 of the  
Jammu and Kashmir Underground Public Utilities (Acquisition of Rights of  
User in Land) Act, 2014,

I. in sub-section (2), in proviso thereto, for the words "two years"  
the words "five years" shall be substituted ; and

II. sub-section (3) shall be omitted.

SATYA PAL MALIK,  
Governor.

(Sd.) ASHISH GUPTA,  
Deputy Legal Remembrancer,  
Department of Law, Justice and Parliamentary Affairs.



EXTRAORDINARY

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**PART III**

**Laws, Regulations and Rules passed thereunder.**

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GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS  
(Legislation Section)

Jammu, the 04th December, 2018.

The following Act has been assented to by the Governor on  
04th December, 2018 and is hereby published for general information :óó

**THE JAMMU AND KASHMIR SOCIETIES REGISTRATION  
(AMENDMENT) ACT, 2018**

(Governor Act No. XXX of 2018)

[04th December, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic of  
India.



2 The J&K Govt. Gazette, 4th Dec., 2018/13th Agra., 1940. [No. 35-6  
An Act to amend the Jammu and Kashmir Societies Registration  
Act, Samvat 1998.

In exercise of the powers vested under Proclamation No. P-1/18 of  
2018 dated 20th June, 2018, the Governor is pleased to enact as follows :

1. *Short title and commencement.* (1) This Act may be called the  
Jammu and Kashmir Societies Registration (Amendment) Act, 2018.

(2) It shall come into force with effect from 3rd April, 2018.

2. *Amendment in section 4, Act No. VI of Samvat 1998.*  
In section 4 of the Jammu and Kashmir Societies Registration Act,  
Samvat 1998 (hereinafter referred to as ~~the Principal Act~~), in sub-section  
(2), for the words, ~~for every such registration a fee of fifty rupees, or such  
smaller fee~~, the words ~~for every such registration a registration fee and  
such annual fee~~ shall be substituted.

3. *Insertion of section 17-A, Act No. VI of Samvat 1998.*  
After section 17 of ~~the Principal Act~~, the following section shall be inserted,  
namely :

**“17A. De-registration of societies registered under the**

**Act.** (1) Notwithstanding anything contained in this Act, the  
Registrar may, by an order in writing, cancel the registration of any  
society on any or all of the following grounds :

- (i) that the activities or proposed activities have been or will be  
subversive to the objects of the society ;
- (ii) that the activities or proposed activities have been or will be  
subversive to the security of the State or maintenance of law  
and order in the State ;
- (iii) that the accounts of the society are not audited by a certified  
Chartered Accountant annually ;
- (iv) that the registration of the society or of its name or change of  
name is contrary to the provisions of the Act or of any other law  
for the time being in force.







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GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS  
(Legislation Section)

Jammu, the 03rd December, 2018.

The following Act has been assented to by the Governor on  
03rd December, 2018 and is hereby published for general information :óó

**THE JAMMU AND KASHMIR AADHAAR (TARGETED  
DELIVERY OF FINANCIAL AND OTHER SUBSIDIES,  
BENEFITS AND SERVICES) ACT, 2018**

(Governor Act No. XXXIV of 2018)

[03rd December, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic of  
India.



An Act to provide for, as a good governance, the efficient, transparent, and targeted delivery of subsidies, benefits, services, the expenditure of which is incurred from the Consolidated Fund, to individuals residing in the State of Jammu and Kashmir, through assigning of unique identity numbers to such individuals and for other matters connected therewith or incidental thereto.

In exercise of the powers vested under proclamation No. P-1/18 of 2018 dated 20th June, 2018, the Governor is pleased to enact as follows :॥

## CHAPTER I

## Preliminary

1. *Short title and commencement.* 66(1) This Act may be called the Jammu and Kashmir Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2018.

(2) It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint ; and different dates may, be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

2. *Definitions.* “In this Act, unless the context otherwise requires,”

- (a) "Aadhaar number" means an identification number issued to an individual under sub-section (3) of section 3 ;
- (b) "Aadhaar number holder" means an individual who has been issued an Aadhaar number under this Act ;
- (c) "Authentication" means the process by which the Aadhaar number along with demographic information or biometric information of an individual is submitted to the Central Identities Data Repository, for its verification and such Repository verifies the correctness or the lack thereof, on the basis of information available with it ;







[illegible]

issuing an Aadhaar number, but shall not include race, religion, caste, tribe, ethnicity, language, records of entitlement, income or medical history ;

- (n) "Enrolling agency" means an agency appointed by the Authority or a Registrar, as the case may be, for collecting demographic and biometric information of individuals under this Act ;
- (o) "Enrolment" means the process, as may be specified by regulations, to collect demographic and biometric information from individuals by the enrolling agencies for the purpose of issuing Aadhaar numbers to such individuals under this Act ;
- (p) "Government" means the Government of Jammu and Kashmir ;
- (q) "Identity information" in respect of an individual, includes the individual's Aadhaar number, biometric information and demographic information ;
- (r) "Member" includes the Chairperson and Member of the Authority appointed under section 12 of the Central Act ;
- (s) "Notification" means a notification published in the Government Gazette and the expression "notified" with its cognate meanings and grammatical variations shall be construed accordingly ;
- (t) "Person residing in the State" means :
  - (i) a permanent resident of the State of Jammu and Kashmir as defined in section 6 of the Constitution of Jammu and Kashmir ; or
  - (ii) any other person or class of persons as may be notified by the Government from time to time ;

Provided that such persons or class of persons as notified under this sub-clause for the purpose of this Act shall not be entitled to any status, benefits, rights or privileges exclusively meant for permanent residents of the State ;



(u) "Prescribed" means prescribed by rules made by the Central Government or Government as the case may be ;

- (v) "Records of entitlement" means records of benefits, subsidies or services provided to, or availed by, any individual under any programme ;

(x) "Regulations" means the regulations made by the Authority or Government as the case may be ;

(z) "Service" means any provision, facility, utility or any other assistance provided in any form to an individual or a group of individuals and includes such other services as may be notified by the Central or State Government ;

(aa) "Subsidy" means any form of aid, support, grant, subvention, or appropriation, in cash or kind, to an individual or a group of individuals and includes such other subsidies as may be notified by the Government of India or Government of Jammu and Kashmir.

## Enrolment

Provided that the Government may, from time to time, notify such other category of individuals who may be entitled to obtain an Aadhaar number.







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6. *Update of certain information.* The Authority may require Aadhaar number holders to update their demographic information and biometric information, from time to time, in such manner as may be specified by regulations, so as to ensure continued accuracy of their information in the Central Identities Data Repository.

### CHAPTER III

#### Authentication

7. *Proof of Aadhaar number necessary for receipt of certain subsidies, benefits and services, etc.* The Government may, for the purpose of establishing identity of an individual as a condition for receipt of a subsidy, benefit or service for which the expenditure is incurred from, or the receipt therefrom forms part of, the Consolidated Fund of India or Consolidated Fund of State, require that such individual shall undergo authentication, or furnish proof of possession of Aadhaar number or in the case of an individual to whom no Aadhaar number has been assigned, such individual makes an application for enrolment :

Provided that if an Aadhaar number is not assigned to an individual, the individual shall be offered alternate and viable means of identification for delivery of the subsidy, benefit or service.

8. *Authentication of Aadhaar number.* (1) The Authority shall perform authentication of the Aadhaar number of an Aadhaar number holder submitted by any requesting entity, in relation to his biometric information or demographic information, subject to such conditions and on payment of such fees and in such manner as may be specified by regulations.

(2) A requesting entity shall,

- (a) unless otherwise provided in this Act, obtain the consent of an individual before collecting his identity information for the purposes of authentication in such manner as may be specified by regulations ; and
- (b) ensure that the identity information of an individual is only used for submission to the Central Identities Data Repository for authentication.



(3) A requesting entity shall inform, in such manner as may be specified by regulations, the individual submitting his identity information for authentication, the following details with respect to authentication, namely :

- (a) the nature of information that may be shared upon authentication ;
- (b) the uses to which the information received during authentication may be put by the requesting entity ; and
- (c) alternatives to submission of identity information to the requesting entity.

9. *Aadhaar number not evidence of citizenship or domicile, or being a permanent resident of the State etc.*<sup>66</sup>The Aadhaar number or the authentication thereof shall not, by itself, confer any right of, or be proof of, citizenship or domicile or permanent resident of the State in respect of an Aadhaar number holder.

## CHAPTER IV

## Unique Identification Authority of India

11. *Establishment of Authority.* 66(1) The Unique Identification Authority of India constituted under section 11 of the Central Act shall be authority under this Act, to be responsible for the processes of enrollment and authentication and perform such other functions assigned to it under the Central Act.

(2) The regulations notified by the Authority under section 54 of the Central Act shall be applicable to the State as much as is consistent with this Act.



## CHAPTER V

### **Powers of the Government to make Rules**

12. *Powers of the Government to make rules.* In particular and without prejudice with the generality of the foregoing paras, the Government may by notification, make rules for all or any of the following matters, namely :

- (1) the process of collecting demographic information and biometric information from the individuals by enrolling agencies under clause (o) under section 2 ;
- (2) the conditions for accepting an Aadhaar number as proof of identity of the Aadhaar number holder under sub-section (3) of section 4 ;
- (3) the other categories of individuals under section 5 for whom the Authority shall take special measures for allotment of Aadhaar number ;
- (4) specifying the form and manner of use of Aadhaar numbers for the purposes of providing or availing of various subsidies, benefits, services and other purposes for which Aadhaar numbers may be used ;
- (5) the manner of sharing information of Aadhaar number holder ;
- (6) policies and practices to be followed by the Registrars, enrolling agencies, or other service providers working in the State of Jammu and Kashmir for the purpose of enrollment ;
- (7) any other matter which is required to be, or may be, specified or in respect of which provision is to be or may be made by rules or regulations.

## CHAPTER VI

### **Protection of Information**

13. *Security and Confidentiality of Information.* (1) The Authority shall ensure the security of identity information and authentication records of individuals.



10 The J&K Govt. Gazette, 3rd Dec., 2018/12th Agra., 1940. [No. 35-8  
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(2) Subject to the provisions of this Act and the Central Act, the Authority shall ensure confidentiality of identity information and authentication records of individuals.

(3) The Authority shall take all necessary measures to ensure that the information in the possession or control of the Authority, including information stored in the Central Identities Data Repository, is secured and protected against access, use or disclosure not permitted under this Act or regulations made thereunder, and against accidental or intentional destruction, loss or damage.

(4) Without prejudice to sub-sections (1) and (2), the Authority shall :

- (a) adopt and implement appropriate technical and organizational security measures ;
- (b) ensure that the agencies, consultants, advisors or other persons appointed or engaged for performing any function of the Authority, have in place appropriate technical and organizational security measures for the information ; and
- (c) ensure that the agreements or arrangements entered into with such agencies, consultants, advisors or other persons, impose obligations equivalent to those imposed on the Authority under this Act, and require such agencies, consultants, advisors and other persons to act only on instructions from the Authority.

(5) Notwithstanding anything contained in any other law for the time being in force, and save as otherwise provided in this Act, the Authority or any of its officers or other employees or any agency that maintains the Central Identities Data Repository shall not, whether during his service or thereafter, reveal any information stored in the Central Identities Data Repository or authentication record to anyone :

Provided that an Aadhaar number holder may request the Authority to provide access to his identity information excluding his core biometric information in such manner as may be specified by regulations.

(6) The Government shall, after the commencement of this Act, take such measures as are necessary to ensure the security and confidentiality of information as provided in section 28 of the Central Act.



14. *Restriction on Sharing Information.* (1) No core biometric information, collected or created under this Act, shall be :

- (2) The identity information, other than core biometric information, collected or created under this act may be shared only in accordance with the provisions of this act and in such manner as may be specified by regulations.

(a) used for any purpose, other than that specified to the individual at the time of submitting any identity information for authentication ; or

- (4) No Aadhaar number or core biometric information collected or created under this Act in respect of an Aadhaar number holder shall be published, displayed or posted publicly, except for the purposes as may be specified by regulations.

*Explanation :* For the purposes of this section, the expressions

- (a) "electronic form" shall have the same meaning as assigned to it in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000 ;



(b) "electronic record" shall have the same meaning as assigned to

(c) "Sensitive personal data or information" shall have the same meaning as assigned to it in clause (iii) of the Explanation to section 43A of the Information Technology Act, 2000.

(c) "Sensitive personal data or information" shall have the same meaning as assigned to it in clause (iii) of the Explanation to section 43A of the Information Technology Act, 2000.

*Information.66(1)* In case any demographic information of an Aadhaar number holder is found incorrect or changes subsequently, the Aadhaar number holder shall request the Authority to alter such demographic information in his record in the Central Identities Data Repository in such manner as may be specified by regulations.

*Information.66(1)* In case any demographic information of an Aadhaar number holder is found incorrect or changes subsequently, the Aadhaar number holder shall request the Authority to alter such demographic information in his record in the Central Identities Data Repository in such manner as may be specified by regulations.

(2) In case any biometric information of Aadhaar number holder is lost or changes subsequently for any reason, the Aadhaar number holder shall request the Authority to make necessary alteration in his record in the Central Identities Data Repository in such manner as may be specified by regulations.

(3) On receipt of any request under sub-section (1) or sub-section (2), the Authority may, if it is satisfied, make such alteration as may be required in the record relating to such Aadhaar number holder and intimate such alteration to the concerned Aadhaar number holder.

(4) No identity information in the Central Identities Data Repository shall be altered except in the manner provided in this Act or regulations made in this behalf.

*Authentication.* (1) The Authority shall maintain authentication records in such manner and for such period as may be specified by regulations.

such manner and for such period as may be specified by regulations.

(2) Every Aadhaar number holder shall be entitled to obtain his authentication record in such manner as may be specified by regulations.

(3) The Authority shall not, either by itself or through any entity under its control, collect, keep or maintain any information about the purpose of authentication.



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18. *Disclosure of Information in certain cases.* (1) Nothing contained in sub-section (2) or sub-section (5) of section 13 or sub-section (2) of section 14 of this Act shall apply in respect of any disclosure of information, including identity information or authentication records, made pursuant to an order of a court not inferior to that of a District Judge :

Provided that no order by the court under this sub-section shall be made without giving an opportunity of hearing to the Authority and also to the individual whose information is sought.

(2) Nothing contained in sub-section (2) or sub-section (5) of section 13 and clause (b) of sub-section (1), sub-section (2) or sub-section (3) of section 14 of this Act shall apply in respect of any disclosure of information, including identity information or authentication records, made in the interest of national security as prescribed under the Central Act.

## CHAPTER VII

### Offences and Penalties

19. *Penalty for impersonation at time of enrolment.* Whoever impersonates or attempts to impersonate another person, whether dead or alive, real or imaginary, by providing any false demographic information or biometric information, shall be punishable with imprisonment for a term which may extend to three years or with a fine which may extend to ten thousand rupees or with both.

20. *Penalty for impersonation of Aadhaar number holder by changing demographic information or biometric information.* Whoever, with the intention of causing harm or mischief to an Aadhaar number holder, or with the intention of appropriating the identity of an Aadhaar number holder changes or attempts to change any demographic information or biometric information of an Aadhaar number holder by impersonating or attempting to impersonate another person, dead or alive, real or imaginary, shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to a fine which may extend to ten thousand rupees.

21. *Penalty for impersonation.* Whoever, not being authorized to collect identity information under the provisions of this Act, by words, conduct











16 The J&K Govt. Gazette, 3rd Dec., 2018/12th Agra., 1940. [No. 35-8  
section 8, of this Act shall be punishable with imprisonment which may extend  
to one year or with a fine which may extend to ten thousand rupees or, in the  
case of a company, with a fine which may extend to one lakh rupees or with  
both.

27. *General penalty.* Whoever commits an offence under this Act  
or any rules or regulations made thereunder for which no specific penalty is  
provided elsewhere than this section, shall be punishable with imprisonment  
for a term which may extend to one year or with a fine which may extend to  
twenty-five thousand rupees or, in the case of a company, with a fine which  
may extend to one lakh rupees, or with both.

28. *Offences by companies.* (1) Where an offence under this Act  
has been committed by a company, every person who at the time the offence  
was committed was in charge of, and was responsible to, the company for the  
conduct of the business of the company, as well as the company, shall be  
deemed to be guilty of the offence and shall be liable to be proceeded against  
and punished accordingly :

Provided that nothing contained in this sub-section shall render any such  
person liable to any punishment provided in this Act if he proves that the  
offence was committed without his knowledge or that he had exercised all  
due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any  
offence under this Act has been committed by a company and it is proved that  
the offence has been committed with the consent or connivance of, or is  
attributable to, any neglect on the part of any director, manager, secretary or  
other officer of the company, such director, manager, secretary or other officer  
shall also be deemed to be guilty of the offence and shall be liable to be  
proceeded against and punished accordingly.

*Explanation :* For the purposes of this section

- (a) "company" means anybody corporate and includes a firm or other  
association of individuals ; and
- (b) "director" in relation to a firm, means a partner in the firm.



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29. *Act to apply for offence or contravention committed outside India.* (1) Subject to the provisions of sub-section (2), the provisions of this Act shall apply also to any offence or contravention committed outside India by any person, irrespective of his nationality.

(2) For the purposes of sub-section (1), the provisions of this Act shall apply to any offence or contravention committed outside India by any person, if the Act or conduct constituting the offence or contravention involves any data in the Central identities data repository.

30. *Power to investigate offences.* Notwithstanding anything contained in the Code of Criminal Procedure, Samvat 1989, a police officer not below the rank of Inspector of Police shall investigate any offence under this Act.

31. *Penalties not to interfere with other punishments.* No penalty imposed under this Act shall prevent the imposition of any other penalty or punishment under any other law for the time being in force.

32. *Cognizance of offences.* (1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the Authority or any officer or person authorized by it or by an individual who has reason to believe that his right has been violated.

(2) No court inferior to that of a Chief Judicial Magistrate shall try any offence punishable under this Act.

## CHAPTER VIII

### Miscellaneous

33. *Members, officers, etc. to be public servants.* The Chairperson, Members, officers and other employees of the Authority shall be deemed, while acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Ranbir Penal Code, Samvat 1989.

34. *Protection of action taken in good faith.* No suit, prosecution or other legal proceeding shall lie against the Government or the Authority or



18 The J&K Govt. Gazette, 3rd Dec., 2018/12th Agra., 1940. [No. 35-8  
the Chairperson or any Member or any officer, or other employees of the  
Authority for anything which is in good faith done or intended to be done  
under this Act or the rule or regulation made thereunder.

35. *Application of other laws not barred.* The provisions of this  
Act shall be in addition to, and not in derogation of, any other law for the time  
being in force applicable to the State of Jammu and Kashmir.

36. *Act not to prevent use of Aadhaar Number for other purposes  
under law.* Nothing contained in this Act shall prevent the use of Aadhaar  
number for establishing the identity of an individual for any purpose by the  
State, pursuant to any law, for the time being in force :

Provided that the use of Aadhaar number under this section shall be  
subject to the procedure and obligations under section 8 and Chapter VI.

37. *List of Schemes, Subsidies etc.* The Government shall, after the  
commencement of this Act, by notification in the Government Gazette, from  
time to time, specify the list of Government schemes, subsidies, benefits,  
services of the Government for which such authentication or proof shall be  
required :

Provided that any notification issued by the Central Government in this  
behalf, shall be deemed to be a notification issued under this section.

38. *Power to remove difficulties.* (1) If any difficulty arises in giving  
effect to the provisions of this Act, the Government may, by order, published  
in the Government Gazette, make such provisions not inconsistent with this  
Act as may appear to be necessary for removing the difficulty :

Provided that no such order shall be made under this section after the  
expiry of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as  
may be after it is made before each House of State Legislature.

39. *Savings.* Anything done or any action taken by the Central  
Government or Government under the resolution of the Government of India,  
Planning Commission bearing notification number A-43011/02/2009-Adm. I



No. 35-8] The J&K Govt. Gazette, 3rd Dec., 2018/12th Agra., 1940. 19  
dated the 28th January, 2009, or by the Department of Electronics and  
Information Technology under the Cabinet Secretariat Notification bearing  
notification number S.O. 2492(E), dated the 12th September, 2015 as the case  
may be, shall be deemed to have been validly done or taken under this Act.

SATYA PAL MALIK,  
Governor.

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(Sd.) ASHISH GUPTA,  
Deputy Legal Remembrancer,  
Department of Law, Justice and Parliamentary Affairs.



EXTRAORDINARY

REGD. NO. JK633



**THE  
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

.....  
Vol. 131] Jammu, Fri., the 7th Dec., 2018/16th Agra., 1940. [No. 36-4

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Separate paging is given to this part in order that it may be filed as a  
separate compilation.

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**PART III**

**Laws, Regulations and Rules passed thereunder.**

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GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS  
(Legislation Section)

Jammu, the 07th December, 2018.

The following Act has been assented to by the Governor on  
07th December, 2018 and is hereby published for general information :óó

**THE JAMMU AND KASHMIR STATE LANDS (VESTING OF  
OWNERSHIP TO THE OCCUPANTS) (REPEAL AND SAVINGS)  
ACT, 2018**

(Governor Act No. XXXII of 2018)

[07th December, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic of  
India.



2 The J&K Govt. Gazette, 7th Dec., 2018/16th Agra., 1940. [No. 36-4  
An Act to repeal the Jammu and Kashmir State Lands (Vesting of  
Ownership to the Occupants) Act, 2001.

In exercise of the powers vested under Proclamation No. P-1/18 of  
2018 dated 20th of June, 2018, the Governor is pleased to enact as  
follows :

1. *Short title and commencement.* (1) This Act may be called the  
Jammu and Kashmir State Lands (Vesting of Ownership to the Occupants)  
(Repeal and Savings) Act, 2018.

(2) It shall come into force from the date of its publication in the  
Government Gazette.

2. *Repeal.* The Jammu and Kashmir State Lands (Vesting of  
Ownership to the Occupants) Act, 2001 is hereby repealed.

3. *Abatement of proceedings.* Any proceedings pending before any  
Authority under the provisions of the Jammu and Kashmir State Lands (Vesting  
of Ownership to the Occupants) Act, 2001 before commencement of the  
Jammu and Kashmir State Lands (Vesting of Ownership to the Occupants)  
(Repeal and Savings) Act, 2018 shall not be proceeded with and all pending  
proceedings shall stand abated.

4. *Savings.* The repeal by this Act of any enactment shall not affect  
any other enactment in which the repealed enactment has been applied,  
incorporated or referred to ;

and this Act shall not affect the validity, invalidity, effect or consequences  
of anything already done or suffered, or any right, title, obligation or liability  
already acquired, accrued or incurred, or any remedy or proceeding in respect  
thereof, or any release or discharge of or from any debt, penalty, obligation,  
liability, claim or demand, or any indemnity already granted, or the proof of  
any past act or thing ;

nor shall this Act affect any principle or rule of law, or established  
jurisdiction, form or course of pleading, practice or procedure, or existing usage,  
custom, privilege, restriction, exemption, office or appointment, notwithstanding  
that the same respectively may have been in any manner affirmed or recognized  
or derived by, in or from any enactment hereby repealed ; and



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nor shall the repeal by this Act of any enactment revive or restore any  
jurisdiction office, custom, liability, right, title, privilege, restriction, exemption,  
usage, practice, procedure or other matter or thing not now existing or in  
force.

SATYA PAL MALIK,  
Governor.

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(Sd.) ASHISH GUPTA,  
Deputy Legal Remembrancer,  
Department of Law, Justice and Parliamentary Affairs.



EXTRAORDINARY

REGD. NO. JK633



**THE  
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

.....  
Vol. 131] Jammu, Fri., the 7th Dec., 2018/16th Agra., 1940. [No. 36-5

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Separate paging is given to this part in order that it may be filed as a  
separate compilation.

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**PART III**

**Laws, Regulations and Rules passed thereunder.**

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GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS  
(Legislation Section)

Jammu, the 07th December, 2018.

The following Act has been assented to by the Governor on  
07th December, 2018 and is hereby published for general information :oó

**THE JAMMU AND KASHMIR CRIMINAL LAW  
(AMENDMENT) ACT, 2018**

(Governor Act No. XXXV of 2018)

[07th December, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic of  
India.



2 The J&K Govt. Gazette, 7th Dec., 2018/16th Agra., 1940. [No. 36-5  
An Act to amend the Ranbir Penal Code, Samvat, 1989, Code of Criminal  
Procedure, Samvat 1989 and the Evidence Act, Samvat 1977.

In exercise of the powers vested under Proclamation No. P-1/18  
of 2018 dated 20th of June, 2018, the Governor is pleased to enact as  
follows :

## CHAPTER I

### Preliminary

1. *Short title, extent and commencement.* (1) This Act may be called  
the Jammu and Kashmir Criminal Law (Amendment) Act, 2018.

(2) It shall come into force from the date of its publication in the  
Government Gazette.

## CHAPTER II

### Amendment to the Ranbir Penal Code

2. *Amendment of section 166A, Act XII of Samvat 1989.* In the  
State Ranbir Penal Code (hereafter in this Chapter refer to as the  
Penal Code), in section 166A, in clause (c) for the words, figures and  
letters, section 376B, section 376C, section 376D, the words, figures  
and letters section 376AB, section 376B, section 376C, section 376D,  
section 376DA, section 376DB, shall be substituted.

3. *Amendment of section 228A, Act XII of Samvat 1989.* In section 228A of the Penal Code in sub-section (1), for the words, figures  
and letters, 376A, 376B, 376C, 376D, the words, figures and letters  
376A, 376AB, 376B, 376C, 376D, 376DA, 376DB, shall be substituted.

4. *Amendment of section 376, Act XII of Samvat 1989.* In section 376 of the Penal Code,

- (a) in sub-section (1) for the words shall not be less than eight years,  
but which may extend to imprisonment for life, and shall also be  
liable to fine, the words shall not be less than ten years, but  
which may extend to imprisonment for life, and shall also be liable  
to fine shall be substituted ;



(b) in sub-section (2), clause (i) shall be omitted ;

(c) after sub-section (2), the following sub-section shall be added, namely :óó

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim :

5. *Insertion of section 376AB, Act XII of Samvat 1989.*ॐ  
After section 376A of the Penal Code, the following section shall be inserted,  
namely :ॐ

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim :

6. *Insertion of section 376DA and 376DB Act XII of Samvat 1989.* After section 376D of the Penal Code, the following sections shall be inserted, namely :

**“376DA. Punishment for gang rape on women under sixteen years of age.**” Where a woman under sixteen years of age is raped by one or more persons constituting a group or acting in furtherance



of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which shall mean the imprisonment for remainder of that persons natural life and with fine :

Provided further that any fine imposed under this section shall be paid to the victim.

by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which shall mean the imprisonment for remainder of that person's natural life, and with fine or with death :

Provided further that any fine imposed under this section shall be paid to the victim.ö

## Amendment to the Evidence Act, Samvat 1977 (1920 AD)

In section 53A of the Evidence Act, Samvat 1977 (hereinafter referred to in this Chapter as the "Evidence Act"), for the words, figures and letters, "section 376A, section 376B, section 376C, section 376D," the words, figures and letters "section 376A, section 376AB, section 376B, section 376C, section 376D, section 376 DA, section 376DB" shall be substituted.

In section 146 of the Evidence Act, in the proviso, for the words, figures and letters, "section 376A, section 376B, section 376C, section 376D," the words, figures and letters "section 376A, section 376AB, section 376B, section 376C, section 376D, section 376 DA, section 376DB" shall be substituted.



ö(h) whether the report of medical examination of women has been attached where investigation relates to an offence under sections 376, 376A, 376B, 376AB, 376B, 376C, 376D, 376DA, 376DB or section 376E of the State Ranbir Penal Code.ö







18. *Amendment of section 545 C Act, XXIII of Samvat 1989.* ००

19. *Amendment of Schedule-II, Act XXIII of Samvat 1989.* ६६

(a) against section 376,óó

[illegible]

1	2	3	4	5	6	7	8
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(ii) the following entries shall be inserted at the end, namely :óó

[illegible]

1	2	3	4	5	6	7	8
1	2	3	4	5	6	7	8

Persons committing offence of rape on a women under sixteen years of age	may arrest without warrant	Warrant	non-bailable	non-compoundable	Rigorous imprisonment for a term which shall not be less than 20 years but which may extend to imprisonment for life which shall mean imprisonment for the remainder of that person's natural life and with fine	Court of Session
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(b) after the entries relating to section 376A, the following entries shall be inserted, namely :óó

(c) after the entries relating to section 376D, the following entries shall be inserted, namely :óó

1	2	3	4	5	6	7	8
376DB	Gang rape on a women under twelve years of age	may arrest without warrant	warrant	non- bailable	non- compo- undable	-Rigorous imprisonment for life which shall mean imprisonment for the remainder of that person's natural life and with fine or with death	Court of Session



20. *Repeal and savings.* 66(1) The Jammu and Kashmir Criminal Law (Amendment) Ordinance, 2018 (Ordinance No. III of 2018) is hereby repealed.

(3) All prosecutions and other proceedings instituted under the Jammu and Kashmir Criminal Law (Amendment) Ordinance, 2018 shall be continued as if instituted under this Act.

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(Sd.) ASHISH GUPTA,  
Deputy Legal Remembrancer,  
Department of Law, Justice and Parliamentary Affairs.